THE

REGULATIONS AND LAWS

ENACTED BY THE

GOVERNOR GENERAL IN COUNCIL,

FOR THE

CIVIL GOVERNMENT

OF

THE WHOLE OF THE TERRITORIES UNDER THE PRESIDENCY

OF

FORT WILLIAM IN BENGAL.

VOLUME V

RE-PRINTED FROM THE GOVERNMENT COPY,

WITH NUMEROUS EXPLANATORY NOTES.

BY HENRY WHITE.



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A. D. 1806. REGULATION I.

A REGULATION *for abolishing the jurisdiction of zillah Moorshedabad, and annexing the Mehals composing it to the jurisdictions of the city of Moorshedabad, and zillah Beerbhoom; for altering the jurisdiction of the courts of circuit and provincial courts of appeal of the divisions of Calcutta and Moorshedabad; for fixing the order of holding the half yearly jail deliveries in those divisions, and in the divisions of Benares and Bareilly; for rescinding such parts of the existing Regulations as restrict the senior judges of the courts of circuit from proceeding upon the circuit in their respective divisions; and for extending the authority of the courts of Nizamut Adawlut and Sudder Dewanny Adawlut in certain cases.*—PASSED *by the Governor General in Council, on the 27th of March* 1806; *corresponding with the* 15th *Chyte* 1212 *Bengal era; the 23d Chyte* 1213 *Fusly; the* 15th *Chyte* 1213 *Willaity; the 7th Chyte* 1863 *Sumbut; and the 6th Mohurrum* 1221 *Hegiree.*

WHEREAS it has been deemed advisable to abolish the jurisdiction of the zillah of Moorshedabad, and to annex the mehals composing the same, partly to the jurisdiction of the city of Moorshedabad, and partly to the jurisdiction of the zillah Beerbhoom: and whereas it has been judged expedient to separate the zillah of Beerbhoom from the jurisdiction of the court of circuit and provincial court of appeal for the division of Calcutta, and to annex that zillah to the jurisdiction of the court of circuit and provincial court of appeal for the division of Moorshedabad: and whereas the alterations made in the jurisdiction of the courts of circuit for the divisions of Calcutta, Moorshedabad, Benares, and Bareilly, require that further provision should be made for a fixed order of succession in holding the half yearly jail deliveries of those divisions respectively: and whereas it is requisite for the public service that such parts of the Regulations now in force, as restrict the senior judges of the courts of circuit from being employed in holding the jail deliveries within their respective divisions, should be rescinded: and whereas it will further promote the due administration of criminal and civil justice, that the court of Nizamut Adawlut be empowered to dispense with the session of the court of circuit in certain cases, at particular stations, and that the court of Sudder Dewanny Adawlut be authorized to dispense with the rule for periodical vacations of the civil courts in any instance wherein it may appear expedient; the following rules have been accordingly enacted, to be in force from the date of their promulgation, throughout the whole of the provinces under the immediate government of the presidency of Fort William.

II.

Such parts of Regulations III, V, and IX, 1793, as constitute the zillah of Moorshedabad a distinct jurisdiction, are rescinded; and that zillah is abolished; the mehals composing it to be annexed to the city of Moorshedabad and zillah of Beerbhoom, as may be directed by government.

II. Such parts of Regulations III, V, and IX, 1793, and of any other Regulation now in force, as constitute the zillah of Moorshedabad a distinct and separate jurisdiction, are rescinded. The zillah of Moorshedabad is hereby abolished; and the mehals composing it shall be annexed to the jurisdictions of the judge and magistrate of the city of Moorshedabad, and of the judge and magistrate of zillah Beerbhoom, as the Governor General in Council may direct.

Such parts of Regulations V, and IX, 1793, as make the zillah of Beerbhoom subject to the jurisdiction of the Calcutta court of appeal and circuit, are rescinded.

The said zillah to belong to the jurisdiction of the Moorshedabad court of appeal and circuit.

III. Such parts of Regulations V, and IX, 1793, and of any other Regulation now in force, as declare the zillah of Beerbhoom subject to the jurisdiction of the court of circuit and provincial court of appeal for the division of Calcutta, are hereby rescinded. The said zillah shall hereafter be subject to the jurisdiction of the court of circuit, and provincial court of appeal, for the division of Moorshedabad.

New order of succession fixed for holding the jail deliveries in the divisions of the courts of circuit of Calcutta and Moorshedabad.

IV. The zillah of Cuttack, the settlements of Chinsurah and Chandernagore, (r) and the Jungle Mehals, having been annexed to the jurisdiction of the court of circuit for the division of Calcutta, under Regulation IV, 1804, and Regulations XVI, and XVIII, 1805; and the zillah of Beerbhoom having been separated from the division of Calcutta, and annexed to that of Moorshedabad, under Section III of this Regulation, the following order of succession is established for holding the half yearly jail deliveries, within the divisions of Calcutta and Moorshedabad; instead of that prescribed by Section VI, Regulation III, 1798, and Section VII, Regulation II, 1804.

DIVISION OF CALCUTTA.

1 Burdwan,
2 Jungle Mehals,
3 Midnapore,
4 Cuttack,
5 Jessore,
6 Nuddea,
7 Hooghly,
8 Chinsurah and Chandernagore. (r)

DIVISION OF MOORSHEDABAD.

1 Bhaugulpore,
2 Purnea,
3 Dinagepore,
4 Rungpore,
5 Rajeshahye,
6 Beerbhoom.

Order of succession fixed for the jail deliveries in the divisions of Benares and Bareilly.

V. The following order of succession is also fixed for the half yearly jail deliveries of the division of Benares, in consequence of the annexations made to that division by Regulations VIII, and IX, 1804; and for the half yearly jail deliveries

(r) These settlements have been surrendered to the Dutch and the French.

of

of the division of Bareilly, as constituted by Regulation IX, 1804, and Regulation VIII, 1805.

DIVISION OF BENARES.

1 Mirzapore,

2 Allahabad,

3 Bundlecund,

4 Juanpore,

5 Goruckpore.

DIVISION OF BAREILLY.

1 Cawnpore,

2 Furruckabad,

3 Etawah,

4 Agra,

5 Allyghur,

6 South division of Saharunpore,

7 *North division of ditto,* (s)

8 Moradabad.

The power vested in the Nizamut Adawlut by Section VI, Regulation III, 1798, to authorize deviations from the fixed order of succession for the jail deliveries, and the discretion given by Section VIII, Regulation II, 1804, to allow any special deviation in the periods of holding the jail deliveries fixed by that Regulation; and generally, to all the jail deliveries whether monthly, quarterly, or half yearly, declared to extend, and be applicable to the jail deliveries for which provision is made by this Regulation.

VI. The power vested in the court of Nizamut Adawlut, by Section VI, Regulation III, 1798, to authorize occasional deviations from the order of succession for the jail deliveries fixed by that Regulation, when any particular circumstances may render such deviations necessary, as well as the discretion given to the Nizamut Adawlut, with the sanction of the Governor General in Council, by Section VIII, Regulation II, 1804, to allow any special deviation which may appear expedient, from the rules prescribed in that Regulation, for the periods of holding the jail deliveries thereby provided for, are extended, and declared applicable, to the jail deliveries for which provision is made by the present Regulation: and generally, to the whole of the jail deliveries directed to be held under the Regulations, whether monthly, quarterly, or half yearly.

Nizamut Adawlut declared competent to order the session of the courts of circuit to be postponed till the next circuit for any zillah or city in which no commitments may have been made; or, whenever the number of persons committed or held to bail may be inconsiderable, the Nizamut Adawlut and Governor General in Council are declared competent to order the prisoners so committed to be brought to any contiguous station which may

VII. It shall be further competent to the court of Nizamut Adawlut, on information in any particular instance, that no person has been committed by a zillah or city magistrate, for trial before the court of circuit, at the period for holding the jail delivery of such zillah or city, to postpone the session of the court of circuit for such zillah or city, till the period fixed by the Regulations for the next ensuing jail delivery. And in like manner, whenever the number of persons committed, or held to bail for trial before the court of circuit, at any particular station shall be inconsiderable, and the conclusion of the circuit may be materially expedited by bringing such persons to trial at another contiguous station; or generally, when any special

(s) There is no such zillah as this now:—Merut probably has been substituted for it. By Regulation XIV, 1806, the separate civil jurisdiction of this zillah was abolished or incorporated with that of the Southern Division.

cause

appear convenient for trial, for the purpose of expediting the business of the circuit.

cause shall appear to render it expedient that the persons committed, or held to bail, by any particular magistrate, should be brought to trial at the session of the court of circuit held in the adjacent jurisdiction of another magistrate, it shall be competent to the Nizamut Adawlut, or to the Governor General in Council, to authorize and direct, that the persons committed, or held to bail, in such instances, be brought to trial before the court of circuit at the station which may appear to be most convenient.

In such cases the proceedings of the magistrate on the commitments are to be forwarded to the magistrate of the zillah in which the session of the court of circuit may be held; and such magistrate is to perform the duties prescribed by the Regulations in bringing such prisoners before the court of circuit, and to obey all orders issued by the court.

In such cases the proceedings of the magistrate by whom the prisoners may have been committed, or held to bail, shall be transmitted with the prisoners to the magistrate of the jurisdiction in which the session of the court of circuit may be held; and the latter magistrate shall perform the duties prescribed by the Regulations, in bringing the prisoners, and proceedings, before the court of circuit, as well as in executing any orders of that court which the judge may deem it proper to direct to him in preference to the magistrate by whom the prisoners shall have been committed, or held to bail.

Senior judges of the provincial courts to proceed in rotation on the circuit;

VIII. (t) Such parts of Regulation III, 1797, and of Regulation VII, 1803, and of any other Regulation now in force, as require that the senior judges of the courts of circuit and appeal shall always remain at the sudder station, are hereby rescinded. The senior judge of each division shall in future proceed in rotation on the circuit for the purpose of holding the half yearly jail deliveries at the several stations, within the jurisdiction of the court to which he is attached, in common with the other judges of that court, unless he shall be prevented by indisposition or other substantial cause, when the Governor General in Council, on receiving the necessary information on the subject through the Nizamut Adawlut, will order one of the other judges to proceed on the circuit, or will make such other provision for the discharge of that duty, as may appear to be most expedient.

And to hold in succession, the monthly and quarterly jail deliveries

In like manner, the monthly jail deliveries of the cities of Dacca, Moorshedabad, Patna and Benares, and of the zillah of Bareilly, and the quarterly jail deliveries of the zillahs of Dacca Jellalpore and the Twenty four Purgunnahs, shall be holden successively by the different judges including the senior judge, who may be present at the sudder station; unless the judge, whose turn it may be under this rule to hold the sessions, shall be prevented from the performance of that duty by indisposition or other cause, in which case it shall be competent for the Nizamut Adawlut to order the sessions to be holden by the other judge who may be present at the sudder station; or, if more than two judges shall be at the sudder station, by whichever of those judges the Nizamut Adawlut may think proper to direct.

In the absence of the senior judge, the judge next in rank present, or if only one judge be present, such officiating judge shall exercise the same powers as are vested in the senior

IX. During the absence of the senior judge upon the circuit, the judge next in rank, who shall be present at the sudder station, or if one judge only be present, such officiating judge shall exercise the same powers as are vested in the senior judge, and shall execute the same duties for the dispatch of business, as are directed to be per-

(t) Rescinded by Regulation V, 1814, Section III.

formed

formed in similar cases by the senior judge, under the restrictions contained in the Regulations in force.

judge, under the restrictions contained in the Regulations.

X. The court of Sudder Dewanny Adawlut are empowered to authorize and direct an occasional dispensation with the rule for periodical vacations of the provincial, zillah, and city courts, contained in Section II, Regulation III, 1798, and Section XIII, Regulation VIII, 1805, in the instance of any particular court, wherein, from the arrear of business, or other cause, it may appear expedient that the vacations thereby provided for, or either of them, should not take place.

The court of Sudder Dewanny Adawlut are empowered to direct an occasional dispensation with the rule for periodical vacations of the civil courts fixed by the Regulations when it may appear expedient for any of the reasons herein specified.

A. D. 1806. REGULATION II.

A REGULATION *for explaining and amending in certain cases, the rules of process to be observed by the civil courts of judicature.*—PASSED *by the Governor General in Council, on the 27th of March* 1806; *corresponding with the 15th Chyte* 1212 *Bengal era; the 23d Chyte* 1213 *Fusly; the 15th Chyte* 1213 *Willuity; the 7th Chyte* 1863 *Sumbut; and the 6th Mohurrum* 1221 *Hegiree.*

BY the Regulations in force for the guidance of the zillah and city courts, one uniform process is prescribed for causing the appearance of all defendants in civil suits, not being Hindoo or Mahomedan women of rank or quality, such as according to the custom of the country, would render it improper to compel them to appear in an open court of justice; and not coming within the description of persons excepted from the general rule, by Section X, Regulation VIII, 1795; Section II, Regulation LV, 1795; and other special clauses. The original process so prescribed, is a summon on the defendant, requiring him to accompany the officer deputed to serve it; or to deliver sufficient security to appear in person or by vakeel, and answer to the complaint against him on a day appointed. In the event of the defendant's being found, and his not giving the required security, the officer charged with the summons is to take his person into custody, and bring him before the court; which is empowered to commit him to close custody until he shall give the requisite security, or perform the decree which may be passed upon the complaint against him. For the relief of defendants in cases of undue or exaggerated demands, the judges of the zillah and city courts were authorized by Section II, Regulation III, 1802, (corresponding with Section VIII, Regulation XIV, 1803, for the ceded provinces,) to fix the extent of the security to be required for the appearance of the defendant; with directions, whatever may be the claim of the plaintiff, to demand from the defendant such security only, as may appear necessary to secure his appearance during the trial of the suit. But, except in petty causes, for money or property not exceeding in amount or value the sum of ten sicca rupees, (in which the native commissioners are restricted by Section IX, Regulation XVI, 1803, and Section XVII, Regulation XLIX, 1803, from requiring security, unless they shall receive certain information that the defendant is about to abscond,) the civil courts of judicature are not empowered to dispense with the requisition of bail, from defendants in any case not specially provided for by the Regulations: although in many instances the small amount of the claim and the known property and responsibility of the defendant, render the demand of security unnecessary and vexatious. On the other

other hand with an exception to the power vested in the native commissioners, of attaching the personal property, (instead of confining the person) of any defendant who may not give the security required for his appearance, the civil courts are not authorized to attach the property of any defendant, until a judgment be given against him; even when the defendant against whom a summon may issue, shall abscond, or shut himself up in any building, or retire to any place so that the process cannot be served upon him; an *exparte* trial and decision only being provided for such cases, after proclamation in the court, and at the defendant's place of residence. A dishonest debtor therefore by concealing himself and disposing of his property, is enabled to defraud his creditor and to defeat the ends of justice, at the same time a strict application of the existing rule of final process in execution of decrees (whereby the civil courts are directed to levy the amount adjudged, by the public sale of a sufficient portion, or if requisite, of the whole of the lands, houses, and effects belonging to the party against whom the judgment is given, or if necessary, both by the sale of his property and attachment of his person, without any discretion to grant relief from personal attachment in cases of insolvency,) enables rigorous creditors to exercise undue severity towards their debtors, by keeping them in confinement (at a small charge for their subsistence) when they have no means of discharging the amount demandable from them. And doubts have been entertained whether the terms of the existing rules admit of any indulgence of time being allowed by the courts for the satisfaction of a final judgment without the express consent of the party in whose favor such judgment is passed. Also, whether the amount paid for the subsistence of persons confined in execution of decrees of the civil courts is to be repaid by the party confined on his release. To explain and amend therefore the existing rules of process, in the several instances abovementioned; in such manner as appears requisite, expedient, and conducive to justice; the Governor General in Council has enacted the following rules, to be in force from the time of their promulgation throughout all the provinces under the immediate government of the presidency of Fort William.

The general first process to be issued by the civil courts, instead of the summons and requisition of security prescribed by Section V, Regulation IV, 1793, and Section V, Regulation V, 1803, shall be a notice only.

What the notice shall contain.

II. (*v*) *First.* Upon the institution of a civil suit in the mode prescribed by the Regulations, in any zillah or city court, the general first process against the defendant, instead of the summons and requisition of security for appearance prescribed by Section V, Regulation IV, 1793, and Section V, Regulation III, 1803, shall be a notice only containing a short statement of the demand, with a requisition to attend in person or by vakeel, (*u*) and to deliver an answer to the plaint, on or before a certain day, to be specified in the notice.

(*v*) *Construction by the Sudder Dewanny Adawlut, 18th July,* 1807. The court is of opinion, that the notice directed by this section, is not applicable to cases of summary process provided for by Regulation VII, 1799, Section XV.

(*u*) A native officer or soldier, such as is described in Regulation XV, 1816, may institute or defend suits through a mokhtar in addition to or independent of the regular vakeels, under the special indulgence of that Regulation; and a notice to such soldier or officer of the institution of a suit, is to be accompanied by a copy of the plaint on unstampt paper, enclosed in an official letter to his commanding officer.

Second.

Second. If the defendant have an accredited agent at the place where the court is held, expressly empowered, either by a clause in his general moktarnamah, or by a separate moktarnamah granted for that purpose, to receive on behalf of his constituent notices or other judicial processes, which may not be specially ordered to be served personally, by an officer of the court; the notice to be issued under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal; and the agent's acknowledgment, to be endorsed upon it, shall be accepted as a sufficient service of it; if he be desirous of giving such acknowledgment in preference to the notice being served on the person of his principal by an officer of the court.

How the notice is to be served if the defendant have an accredited agent residing at the place where the court is held, to receive such notices or other judicial processes.

Notice to be tendered to such agent, and his acknowledgment to be endorsed on it, shall be accepted as a sufficient service of it.

Third. If the defendant shall not have an accredited agent at the place, where the court is held, or if he shall not have expressly authorized his agent to receive notices of the above description; or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the jurisdiction of the court; it shall be served on him through the nazir of the court, by a single chuprassy or peon; who shall require only the acknowledgment of the defendant to be endorsed upon it, or if he be absent from his usual place of residence, the acknowledgment of his principal agent; or of any person acting for him during his absence. If the defendant be resident within the jurisdiction of any other zillah or city court than that in which the suit may have been instituted; the notice shall be transmitted to the judge of the zillah or city, in which the defendant may reside, to be served in the manner above directed. If the defendant be neither resident within the jurisdiction of the zillah or city court in which the suit may be instituted or of any other zillah or city court; and the suit shall notwithstanding be cognizable; either in claims to landed or other immovable property, from the property claimed being situated within the jurisdiction of the court; or in other cases from the cause of action having arisen within its jurisdiction; the notice, if the suit be for land or other immovable property, shall be served upon the defendant's agent or representative in charge of such property; and in other suits, the judge shall cause notice of the claim to be conveyed to the defendant, in such manner as may appear most certain and convenient according to the circumstances of the case.

How the notice is in other cases to be served.

To be served by a single peon or chuprassy who shall require only the endorsement of its receipt by the defendant, or, if he be absent, the acknowledgment of his principal agent or person acting for him. How the notice is to be served if the defendant be resident in another jurisdiction:

Or, if the defendant be neither within such jurisdiction nor within that of any other zillah or city court, and the suit be cognizable notwithstanding, from the property if immovable being situated in such jurisdiction, or from the cause of action having arisen therein; in the former case, the notice to be served upon the agent in charge of such property; and in the latter, in such manner as the judge may deem most certain and convenient.

Fourth. The notices issued under the preceding clauses of this section to weavers or others employed in the provision of the Company's investment, and to molungees and others employed in the manufacture of salt, shall be served in the manner directed by the existing Regulations with respect to the service of summonses upon persons so employed, when sued as defendants in the civil courts.

Notices issued to weavers, molungees, and others employed in the provision of the Company's investment and the manufacture of salt to be served in the same manner as summonses to such persons under the existing Regulations.

III. If a defendant to whom a notice may have been issued, as directed in the preceding section, shall abscond, or is not after diligent search to be found; or shall shut himself up in any house or building, or retire to any place, so that the notice

Court how to proceed against a defendant to whom a notice may have been issued, who shall abscond, or cannot be

cannot

found, or acts so that the notice cannot be served on him.

Proclamation to be issued, and what it shall contain.

Cases in which the court is to proceed *exparte* on the allegations and evidence of the plaintiff only.

cannot be served upon him, the judge (or the register in causes referred to him,) on receiving the nazir's return to this effect shall issue a proclamation, as directed in similar cases, when a summons cannot be served upon a defendant, by Section XI, Regulation IV, 1793, and Section XIII. Regulation III, 1803. If the defendant shall not appear in person or by vakeel, by the time limited in such proclamation, or if a defendant, who may have been served with a notice, as directed in the preceding section, shall not appear in person or by vakeel, within the time specified; or if, having appeared, he shall refuse to answer the plaint, or make other default; the court, as provided in the sections abovementioned, shall proceed to try the cause *exparte;* and after examining the plaintiff's evidence in support of his claim, shall give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Defendant after receiving the notice and attending in person or by vakeel, to be allowed to defend the suit to its termination, without being called upon for security, unless it appear to the court requisite.

How the court is to proceed if it appear on sufficient evidence that the defendant intends to abscond.

Process to be issued in such cases requiring security under specific penalties.

IV. If a defendant, after receiving the notice prescribed in Section II, shall attend in person or by vakeel, and deliver his answer to the plaint, and no reason shall subsequently appear to the court for requiring security for his appearance during the trial of the suit; he shall be allowed to defend the cause, to its determination, without being called upon for such security. But if the judge (or register) shall be satisfied, by sufficient proof, that there is reason to believe the defendant intends to abscond, and withdraw himself from the jurisdiction of the court, he may either on the institution of the suit, or at any time whilst the suit is depending in the zillah or city court, issue process against the defendant requiring him to give security for his appearance, as prescribed on the issue of summonses, by Section V, Regulation IV 1793, and Section V, Regulation III, 1803; under penalty of being committed to close custody until such security be given, or the decree of the court be complied with; as provided in the abovementioned sections, or until an attachment of property shall have taken place, to secure the execution of the ultimate judgment in the cause, under the provision made by the following section of this Regulation. The security bond, to be executed in such instances, shall in substance correspond with that prescribed by Section III, Regulation XI, 1797, and Section XXIX, Regulation III, 1803; and in fixing the extent of the security to be required, the judge (or register) is authorized to exercise the discretion vested in him by Section II, Regulation III, 1802; and Section VIII, Regulation XIV, (*w*) 1803.

Security bond to correspond with that prescribed in the Regulations herein quoted; and in fixing the extent of the security the judge or register, is authorized to exercise the discretion allowed under the Regulations herein specified.

Malzaminy security to be required in cases wherein it may appear

V. (*x*) *First.* In any case if the judge (or the register in causes referred to him) be satisfied by sufficient proof, that there is ground to apprehend the defendant means

(*w*) This Regulation refers solely to paupers, and is rescinded by Regulation XXVIII, 1814, Section II: the substance of Section VIII, Regulation XIV, 1803, will be found in Section II, Regulation III, 1802, or in Section V, Regulation III, 1803.

(*x*) *Construction by the Sudder Dewanny Adawlut, 14th December* 1814. The court is of opinion, that under this clause, the attachment of the defendant's land was improper, 'till there were proof that sufficient grounds (as set forth in this clause) existed for requiring malzaminy security from him, and until he had failed to furnish such security within a reasonable time to be allowed for that purpose, and that it was not discretionary with the court to attach the land in dispute, without adopting the previous measures referred to in this clause.

to

to dispose of the property in his possession by any private transfer; or to cause the public sale of any disputed land, by withholding the assessment upon it; or to remove any personal property from the jurisdiction of the court, whilst the suit against him is depending; for the purpose of avoiding the execution of an eventual judgment against him, the judge (or register) is authorized to call upon the defendant for malzaminy security, in such sum as may appear sufficient to make good the ultimate judgment of the court; and in the event of such security not being given (within a reasonable time to be allowed for that purpose) to cause the attachment of any land, effects, or other property belonging to, or possessed by, the defendant, to the amount or value of the cause of action in the suit depending; or the attachment of which may be deemed necessary to secure the execution of the judgment to be passed in the cause.

to the Judge or register on sufficient proof that the defendant means to dispose of the property or land in dispute, by private transfer or public sale; or in any of the modes herein specified.

If the security be not furnished within a reasonable time, any land, property or effects in the possession of the defendant, to the amount or value of the cause of action, to be attached.

Second. (y) The attachment in such cases shall be made by a written order of the court, to be read and proclaimed upon the spot, and to be affixed in some conspicuous situation at the place where the property is situated; after which any private alienation of the property sequestered, whether by sale, gift, or otherwise, during the continuance of the attachment, shall be deemed illegal and void; (z) and any unauthorized removal of the property so attached, during such period, with a view to oppose or evade the sequestration, shall be punishable, on proof, as an act of resistance to the process of the court; according to the provisions in force concerning resistance to the process of the civil courts. In suits for landed property of considerable value, wherein it may appear necessary, for the purposes of justice, to divest the defendant from the management of the land until the suit be decided, or malzaminy security be given, the attachment shall be made through the collector of the district in which the land is situated; as prescribed by Section VI, Regulation V, 1793, and by Clause Ninth of Section XII, Regulation IV, 1803, in appealed cases, wherein neither the appellant nor respondent may be able to give security for staying execution of the decree. But in other cases the attachments, which may be ordered under the present rule, shall not, without special cause, to be recorded on the proceedings of the court, remove the defendant or his representative from the possession and management of the land, or other property attached, until a decision be passed in the cause before the zillah or city court; nor be understood to preclude any act of the defendant or his representative relative to such property, which may be consistent with the object of the attachment.

How the attachment in such cases to be made; after which any private alienation of the property in dispute by sale, gift, or otherwise declared to be illegal and void.

Any unauthorized removal of the property attached to be punished on proof as a resistance of the process of the court, in the manner directed by the existing Regulations.

Attachment in the mode directed by the Regulations herein quoted to be made through the collector, in suits for landed property of considerable value if necessary until the suit be decided or malzaminy security be given.

In all other cases the attachments made under this rule, shall not without special cause, remove the defendant or his representative from the possession and management of the lands attached.

Nor preclude any act of the defendant or his representative consistent with the object of the attachment.

(y) *Construction by the Sudder Dewanny Adawlut, 14th December,* 1814. The provisions of this Clause are merely subsidiary to the first, and explanatory of the mode in which attachments of land that may become necessary under the first Clause, shall be made. See the Circular Orders of the Sudder Dewanny Adawlut, new Edition, Page 19, No. 15, Head—MISCELLANEOUS RULES OF PRACTICE, regarding the form to be observed in attaching lands preparatory to sale in satisfaction of decrees of court.

(z) See the additional rules in Regulation XXVI, 1814, Section XIII, regarding security furnished in civil suits.

Third,

How the judge or register is to proceed with regard to the property attached, after the decision of the suit.

Third. Upon the decision of the suit, the judge (or register) shall pass such further order relative to the property attached as may be just and conformable with the judgment given in the cause. If the decree be against the defendant, all right and interest possessed by him in the property attached (saving arrears of rent or revenue due from land, and any other bonâ fide claims which may be entitled to satisfaction in preference to the decree) shall be held answerable for the execution of the judgment, in the mode prescribed by the Regulations. But if the plaintiff's claim be dismissed, or be not in any considerable proportion established against the defendant, all expense and loss to the defendant, which may arise from the attachment of his property in consequence of such claim, shall be reimbursed to him by the plaintiff, as part of the costs of suit.

Provision if the plaintiff's claim be dismissed, or not in any considerable portion established against the defendant.

Cases in which an attachment of property may have taken place, to be tried and determined as speedily as possible without regard to their number on the file of depending causes.

Attachment to be taken off at any time previous to the decision of the cause, if sufficient malzaminy security be tendered.

VI. Whenever any property may be attached by order of a zillah or city court, under the provisions contained in the foregoing section, the trial of the cause shall be proceeded on, and brought to a conclusion, as speedily as possible, without regard to the order of time, with respect to other depending causes, in which it may have been instituted. The attachment shall also be taken off on the delivery of sufficient malzaminy security, at any time previous to the decision of the cause in the zillah or city court.

Provisions of the two preceding sections to be held applicable to the provincial courts of appeal and Sudder Dewanny Adawlut, in all cases of the continuance of attachments in appealed cases, or in default of security

VII. The provisions contained in the two preceding sections, shall be held equally applicable to the provincial courts of appeal and Sudder Dewanny Adawlut, in all cases wherein an attachment of property, made by a zillah or city court, may be continued during the trial of an appeal before a provincial court, or the court of Sudder Dewanny Adawlut; or in which those courts may judge it proper to order an attachment of property, in default of security being given, as required; either by the appellant or respondent in any depending appeal. (*a*)

Promissory notes or other obligations of government or any other sufficient money security, to be accepted, instead of hazirzaminy or malzaminy, when either of those securities may be demandable, from a party in any civil suit or appeal. Such securities to be kept by the treasurer of the court, and disposed of according to the direction of the court after the termination of the suit, or whenever the purpose of the deposit shall have been attained.

VIII. When personal bail or security for money or other property, may be demandable from a party in any original civil suit, or appeal, and he shall tender a deposit of money, or of promissory notes, or other obligations of government, or any other sufficient money security, to the amount required; such deposit shall be accepted instead of hazirzaminy or malzaminy securities; and shall be carefully kept by the treasurer of the court; to be restored, or disposed of as the court may direct on the termination of the cause, or whenever the purpose, for which the deposit is made, shall have been accomplished.

Rules in Section II, of this Regulation, directing the issue of a notice only to defendants, without requisition of per-

IX. (b) All native commissioners empowered to act as munsiffs, aumeens, or arbitrators, shall be guided by Section II, of this Regulation, directing a notice only to be issued to defendants in the first instance, without requisition of personal security, except

(*a*) Applicable also to all original suits that may be instituted, tried and determined, in the provincial courts of appeal and Sudder Dewanny Adawlut, under the Regulations vesting original jurisdiction in those courts

(*b*) Rescinded by Regulation XXIII, 1814, Section II.

on

on proof that the defendant is about to abscond. But nothing in the present Regulation shall be understood to authorize any native commissioner to require personal security from defendants, or to attach their property; except in the cases wherein such authority is already declared to be vested in them, by Section XI, Regulation XL, 1793; Section IX, Regulation XVI, 1803; and Section XVII, Regulation XLIX, 1803. The judges of the zillah and city courts, and the registers of those courts, with the sanction of the judges, may however issue any of the processes authorized by this Regulation, in suits referred to a native commissioner, sudder or mufussil: whenever such processes may appear necessary, and applicable to the case in reference.

sonal security, exception proof that they are about to abscond, to be observed by native commissioners. But not to be understood to authorize native commissioners to require personal security from defendants, or to attach their property, except in the cases wherein such power is already vested in them by the Regulations herein quoted. Judges however and registers with their sanction, may issue the processes authorized in this Regulation, in suits referred to native commissioners when necessary or applicable.

X. (c) Doubts having been entertained whether any of the established city courts are competent to provide, in their decrees, for the payment by instalments of money adjudged by them, or to make such provision, in cases of indigence, at any period after passing their decrees; it is hereby declared, that the civil courts in general are restricted from granting indulgence of time, in the satisfaction of a final judgment, when property, from which such judgment can be satisfied, (whether belonging to the party against whom the judgment is given, or to his surety or sureties for the performance of such judgment) may be forthcoming; unless the party in whose favor the decree is passed, shall consent to wave his right of immediate enforcement, under an engagement for gradual payment, or otherwise; or unless a short postponement of the sale of property shall under any particular circumstances, appear just and equitable. But when no property may be pointed out from which the judgment can be enforced, and the party against whom it is passed, or his surety, if he have given any, may be willing to engage (under sufficient malzaminy or hazirzaminy security, as one or the other may be tendered or required) for the liquidation of the amount due, by instalments, within such period, as the court passing the final decree or intrusted with the execution of it, shall deem reasonable and proper, it shall be competent to the court, by which the final judgment is given, or to a zillah or city court enforcing the decision of a native commissioner, and to any superior court revising the proceedings of an inferior court, to accept the engagement so offered, and to cause execution of the decree in conformity therewith, so long as the conditions of it shall be duly fulfilled. In such cases, if the person delivering the accepted engagement shall have been taken into custody, he shall be immediately discharg-

Explanation of a doubt whether the civil courts are competent to provide for the payment of money adjudged, by instalments. Declaration, that the civil courts are restricted from granting indulgence of time, when there may be property sufficient and liable to satisfy the judgment; unless the party in whose favor the judgment is passed, shall consent to wave his right of the immediate enforcement of the judgment, or unless a short postponement of the sale of the property shall appear equitable.

Provision when no property to satisfy the judgment may be pointed out, and the party against whom the decision is passed or his surety may be willing to engage for the liquidation of the amount due by instalments under sufficient malzaminy or hazirzaminy, as the one or the other may be tendered, or required.

Competency of the courts to receive such engagements, declared.

In such cases, if the person delivering the engagement shall have been arrested, he is to be im-

(c) *Construction by the Sudder Dewanny Adawlut, 7th December, 1808.* Whether in the case of a party at whose suit a debtor may be confined, having consented to discharge such debtor from confinement on his executing an agreement to pay the amount of the debt by instalments, and such agreement having been acknowledged and accepted by the parties, and attested by their signatures in presence of the judge; on failure of the performance of the conditions of such agreement, any process can be issued by the court for enforcing its payment, or if it be necessary that a new suit be instituted by the plaintiff for the recovery of any claim which may be due under such agreement?—the court of Sudder Dewanny Adawlut determined, that the spirit and intention of this section appear to include the above case, provided the kistbundy have been given in execution of a decree, and the enforcement of the decree have been suspended in consequence; but that if any payment under the kistbundy be alleged by the party or his surety, he should be allowed to prove the same, if not admitted by the opposite party.

mediately released, and not again arrested in execution of the same judgment, except on failure to perform his engagement. Nor shall any interest be chargeable in such instances beyond what the engagement provides for.

ed; and shall not be liable to further arrest in execution of the judgment to which such engagement may refer, except on failure to perform the terms of it; nor shall any interest be chargeable in such instances beyond what may be provided for in the engagement.

The zillah and city civil courts, the provincial courts, and Sudder Dewanny Adawlut, are empowered to afford relief to insolvent debtors and their sureties, on receiving a statement on oath, containing a fair disclosure of all property belonging to them.

XI. (d) For the relief of insolvent debtors and their sureties, who may be in confinement for the satisfaction of the decrees of the civil courts, and may have no means of discharging the amount demandable from them, by instalments or otherwise, the judges of the zillah and city courts, the provincial courts of appeal, and the court of Sudder Dewanny Adawlut, are further empowered, on receiving from the person, or persons confined, in such cases, a statement upon oath, (e) containing a full and fair disclosure of all property belonging to them, whether in land, money, or effects, or of whatever description; and whether held in their own names, or in the names of any other persons, or jointly with others; to cause enquiry to be made for the purpose of ascertaining the truth of such statement, or the validity of any objections thereto, which may be offered by the party at whose instance the prisoner or prisoners, may be in confinement; and if the result of such inquiry shall satisfy the court, that the statement of property so delivered is true and faithful, and that the persons confined possess no other means of discharging the amount demandable from them, and the property included in the statement, or such part thereof as the court may deem it proper to sell, in satisfaction of the judgment passed, shall be given up for sale; the court, on receiving such surrender of property, may cause it to be sold, in the mode prescribed by the Regulations; and may order the release of the person or persons, in confinement, either with, or without, hazirzaminy security, for his or their appearance when required. Provided, however, that nothing in this section, which is meant to grant relief in cases of real inability and fair dealing only, shall entitle any debtor or surety, confined under the judgment of a civil court, to be released, without full satisfaction of such judgment, if he shall be guilty of any fraudulent concealment of property; or shall have committed any manifest fraud or misdemeanor, which may

Inquiry to be made to ascertain the truth of such statements, or the validity of any objections to them.

If the statements appear true and faithful, and the person in confinement has no other means of paying the amount due, and shall make a surrender of his property; the court after causing it to be sold, may release the debtor with or without security for appearance.

Provided that no debtor or surety in confinement shall be entitled to release who may appear to have been guilty of a fraudulent concealment of property, or any manifest fraud or misdemeanor.

(d) *Constructions by the Sudder Dewanny Adawlut.*

The court is of opinion, that as no fixed period was specified in the Regulations, the time to be allowed to the creditor to point out the property of the debtor confined under the execution of a judgment, should be left to the discretion of the court by whom the judgment might be enforced. *11th April*, 1811.

This section obviously comprehends the cases of insolvent abkars, confined on the process of a collector under Regulation VI, 1800, Section XV, (which has been superseded by Regulations X, 1813, and XVII, 1814.) *12th December*, 1811.

A pauper plaintiff confined on failure of paying the amount adjudged against him by a decree of court, is equally entitled, in common with other insolvent debtors, to the benefit of the rules contained in this section. *3d September*, 1812.

The court is of opinion, that the relief provided for insolvent debtors by this section, was intended to apply to such debtors only as are in confinement under regular decrees or final judgments of the civil courts. *28th May*, 1819.

See the provisions, in addition to this section, in Regulation XXIII, 1814, Section XLV, Clause VII.

(e) A petition may be presented for this object on unstampt paper, if the petitioner be unable to pay the stamp duty. See Regulation IV, 1816.

appear

appear to the court to render him an improper object of the relief intended for persons acting with good faith; and willing to surrender all the property in their possession for the benefit of their creditors. Nor shall release from confinement, in any instance, under this section, prevent the creditor from bringing to sale (by application to the court) in full payment of the sum adjudged due to him, any property which may be subsequently possessed by the party released; or from causing such party to be again confined until the judgment be fully satisfied, when it may appear, by sufficient proof, that he had fraudulently concealed any property actually belonging to, and known to have been possessed by him, either in his own name, or that of others in his behalf, at the time of his discharge. Provided further, that all proceedings held and orders passed, by the judges of the zillah and city courts, under the discretion vested in them by this section, shall, on representation of the parties affected thereby to the provincial courts of appeal, be open to the revision and determination of those courts; and in like manner, all orders passed by the provincial courts under this section, shall be open to the final decision of the Sudder *Dewanny Adawlut*.

Nor shall the release of the debtor under this section prevent the creditor from bringing to sale any property which may be subsequently possessed by the party released, in full payment of the sum adjudged against him, or from causing the party to be again confined on its being proved that he fraudulently concealed any property in his own name, or in that of others at the time of his discharge.

Provided further that all orders passed by the civil courts, shall on representation from the party affected, be open to the revision of the provincial courts; and in like manner any orders passed by the latter courts under this section shall be open to the final decision of the Sudder Dewanny Adawlut.

XII. (f) A question having arisen, whether the amount paid for the subsistence of persons in confinement, under judgments of the civil courts, as prescribed by Section VIII, Regulation IV, 1793, and Section X, Regulation III, 1803, is to be repaid by the party confined, on his release; it is hereby explained that such repayment is to be made, in common with the reimbursement of other costs of suit and process, when any property may be forthcoming from which the amount can be levied. But when no property can be pointed out for the reimbursement of the subsistence money paid to prisoners, they shall not be detained in confinement for the repayment of such money only.

Explanation that the amount paid for the subsistence of persons in confinement in satisfaction of the judgments of the civil courts, is to be reimbursed in common with other costs of suit when there may be any property forthcoming.

But persons are not to be detained for the reimbursement of the subsistence money only, when no property can be pointed out.

(f) *Construction by the Sudder Dewanny Adawlut*, [illegible], 1806. When parties are confined in execution of process for vakeel's fees, or the stamp duty on paper used for decrees, (stamp paper for decrees is now furnished by those who require copies of them) the court were of opinion, in pursuance of the spirit and intention of Regulation IV, 1793, Section VIII, that the subsistence money of such parties is payable by the vakeel, if confined for vakeel's fees, or by government, if confined on account of the stamp duty, or other item payable to government: that however in all cases an application for confinement under civil process is requisite, and that, in the first instance, after demand of the amount due, such process should be executed upon the property of the party from whom the amount is due, and the property of his sureties.

A. D. 1806. REGULATION III.



A REGULATION *for defining the weight and standard of the silver coin, established in the Ceded and Conquered Provinces, by Regulation XLV, 1803, and Regulation XI, 1805; and the weight of the copper coin established in the said Provinces by the Regulations abovementioned; also for fixing a table of rates for regulating the receipt and payment of rupees of different descriptions, during the periods prescribed by Regulation XLV, 1803, for the receipt and payment of rupees not being the rupees declared by that Regulation, and by Regulation XI, 1805, to be the established and legal silver coin within the Ceded and Conquered Provinces.*— PASSED *by the Governor General in Council, on the 27th of March 1806; corresponding with the 15th Chyte 1212 Bengal era; the 23d Chyte 1213 Fusly; the 15th Chyte 1213 Willaity; the 7th Chyte 1863 Sumbut; and the 6th Mohurrum 1221 Higeree.*

Preamble.

WHEREAS it is declared, in Sections III and XLIII, Regulation XLV, 1803, that a specification of the weight and standard of the Lucnow sicca rupee, established by Section II, of that Regulation, and of the corresponding Lucnow and Calcutta sicca weight of the copper coin established by Section XLIII, of the Regulation aforesaid, would be published in a future Regulation: and whereas it is declared in the said Regulation, that a table of rates would be inserted in a future Regulation, for determining the receipt and payment of rupees of different descriptions, during the periods prescribed by the Regulation abovementioned, for the receipt and payment of rupees, not being the rupees declared by that Regulation, to be the established and legal silver coin in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company: and whereas Regulation XLV, 1803, has been extended by Regulation XI, 1805, to the conquered provinces, situated within the Dooab, and on the right bank of the river Jumna, ceded to the Honorable the English East India Company by Dowlut Rao Scindiah, and to the territories in Bundlecund, ceded to the Honorable the English East India Company by the Peishwah; the following rules have been therefore enacted, to be in force in the ceded and conquered provinces.

Specification of weight and standard of the Lucnow sicca rupee, struck at the mint at Furruckabad, established by Regulation XLV, 1803, and

II. The following is a specification of the weight and standard of the Lucnow sicca rupee of the forty-fifth sun, struck in the mint at Furruckabad, established by Section II, Regulation XLV, 1803, and Regulation XI, 1805.

Troy

Regulation XI, 1805.

Troy weight, one hundred and seventy-three grains.

Assay,	Touch, or parts of fine silver, in 100,		
	Alloy, ...	4	5

Specification of the weight of copper coins, established by the same Regulations.

III. (g) The following is a specification of the weight of the copper coin, established by Section XLIII, Regulation XLV, 1803, *and Regulation XI,* 1805 *;*

		Rs.	As.	P.
Troy Weight, ...	*Grains*	284. ½		
Lucnow sicca weight annas.		1	10	3½
Calcutta sicca weight annas.		1	9	4

It is to be understood, however, that pice shall only be coined on account of government, and in such quantities and at such times, as the Governor General in Council, on receipt of information on the subject from the mint committee (*h*) at Furruckabad, may direct.

Rate at which pice will be issued from the treasury.

IV. (i) The pice will be issued from the treasury of government at the rate of twenty-six, for a Lucnow sicca rupee.

Table of rates for determining the receipt and payment of different descriptions of rupees not being the established and legal currency, during the period limited for the receipt and payment of such rupees, by the Regulations abovementioned.

V. The following is the table of rates referred to in Regulation XLV, 1803, for determining the receipt and payment of different descriptions of rupees, not being the rupees declared by that Regulation, and by Regulation XI, 1805, to be the established and legal silver coin in the ceded and conquered provinces, during the periods limited for the receipt and payment of such rupees by the said Regulations.

TABLE shewing the intrinsic comparative value, that each species of Rupee bears to the Lucnow Sicca Rupee, or in other words, the number of Lucnow Sicca Rupees, intrinsically equal to one hundred Lucnow sicca weight of each of the different sorts of Rupees specified in the Table.

Sorts of Rupees.	*Column First.* Lucnow Sicca Weight.	*Column Second.* Lucnow Sicca Rupees.		
Siccas of Lucnow, Troy weight grains 173, fine silver, grains 165 22, ...	100	100	0	0
Calcutta, Moorshedabad, Patna, and Dacca, 19 sun sicca rupees, ...	ditto	102	9	9
Furruckabad rupees, ...	ditto	97	10	3

(*g*) So much of this section as is printed in Italic characters, has been modified by Regulation XXI, 1816, Section III.

(*h*) This Committee is abolished, and the powers and duties thereof vested in the Board of Commissioners for the Upper Provinces. See Regulation X, 1807, Sections VII, VIII and IX, and Regulation I, 1809.

(*i*) Modified by Regulation XXI, 1816, Section IV.

Bareilly

Sorts of Rupees.	Column First. Lucnow Sicca Weight.	Column Second. Lucnow Sicca Rupees.		
Bareilly rupees,	100	97	6	0
Nudjeebabad rupees,	ditto	96	5	3
Lucnow rupees coined at Allahabad,	ditto	96	13	8
Old 18 suns Lucnow,	ditto	95	8	9
Viziery rupees,	ditto	89	4	2
Benares rupees,	ditto	101	0	8
Corah 12 suns,	ditto	91	9	11
Corah 20 suns,	ditto	91	1	6
Corah Sonwats,	ditto	92	14	10
Furruckabad 31 and 39 suns,	ditto	97	6	0
Etawah rupees,	ditto	95	4	6
Saharunpore old rupees,	ditto	96	9	6
Saharunpore new rupees,	ditto	96	13	8
Panniput rupees,	ditto	95	12	11
Samlie rupees,	ditto	94	12	2
Kerhanah rupees,	ditto	96	5	3
Lundowrah rupees,	ditto	95	12	11
Thannah rupees,	ditto	94	12	2
Ru-kaby rupees,	ditto	91	1	6
Sirdannah rupees,	ditto	96	5	3
Delhi siccas,	ditto	101	0	8
Delhi 38 suns,	ditto	96	9	6
Bhurtpore rupees,	ditto	100	12	6
Khotah rupees,	ditto	95	8	8
Ghutsun 29 suns,	ditto	99	7	6
Mahomed Shahee 19 suns,	ditto	101	0	8
Gocul 46 suns,	ditto	96	13	8
Jeend rupees,	ditto	84	13	0
Siccas of Lucnow,	ditto	100	0	0
Gourshahee 7 suns,	ditto	95	4	6
——— 8 suns,	ditto	95	12	11
——— 9 suns,	ditto	93	3	0
——— 10 suns,	ditto	93	3	0
——— 11 suns,	ditto	92	6	5
——— 12 suns,	ditto	91	5	8
Siringury rupees,	ditto	93	7	2

Tamboshahee

Sorts of Rupees	Column First. Lucnow Sicca Weight.	Column Second. Lucnow Sicca Rupees.		
Tamboshahee rupees, ...	100	91	9	11
Ballashahee rupees, coined at Culpee, ...	ditto	93	11	5
Hattrass rupees, ...	ditto	99	7	6
Bindrabunsee rupees, ...	ditto	87	6	10
Generally struck by Perron, ...	ditto	90	9	2
Deeg rupees, ...	ditto	91	9	11
Gourshahee rupees, ...	ditto	98	11	0
Bombay rupees, ...	ditto	96	5	3
Old Arcots, Moorshedabad, and Calcutta, .. .	ditto	97	10	3
French Arcots, ...	ditto	99	7	6
Madras Arcots, ...	ditto	98	11	0

A. D. 1806. REGULATION IV.*

A REGULATION *for levying a tax from pilgrims resorting to the temple of Juggunnauth, and for the superintendence and management of the temple.*—PASSED *by the Governor General in Council, on the 3d of April 1806; corresponding with the 22d Chyte 1212 Bengal era; the 30th Chyte 1213 Fusly; the 22d Chyte 1213 Willaity; the 15th Chyte 1863 Sumbut; and the 13th Mohurrum 1221 Higeree.*

Preamble.

WHEREAS it is provided by Section XXXI, Regulation XII, 1805, that a tax shall be levied from pilgrims resorting to the temple of Juggunnauth: and whereas it is essentially necessary that provision should be made for the protection of the pilgrims from undue exactions on the part of the officers of government or of the temple, and also for the preservation of order, tranquillity, and regularity in the town of Juggunnauthporee, and its dependencies, and for the trial of civil suits of inconsiderable amount or value within those limits; the following rules have been passed, to be in force from the time of their promulgation.

A tax shall be levied on pilgrims resorting to the temple of Juggunnauth, to be collected by a covenanted servant of the Company under the control of the Board of Revenue.

II. A tax shall be levied on the part of government (as was heretofore done under the late Marhatta government) on pilgrims resorting to the temple of Juggunnauth. The collection of the tax shall be entrusted to an officer, (being a covenanted servant of the Company) with the official designation of the collector of the tax on pilgrims at Juggunnauth. The general superintendence of the collections, and the control of the officers employed in the performance of that duty, shall be vested in the Board of Revenue at Fort William.

The avenues for the admission of pilgrims to the temple confined to ghaut Attarah nullah and ghaut Lokenauth.

III. The avenues for the admission of pilgrims to the temple of Juggunnauth shall be confined to two; viz. ghaut Attarah nullah on the North, and ghaut Lokenauth on the South, of the town of Juggunnauthporee.

Rate of tax to be levied at each of those ghauts respectively on pilgrims of the description of Laal Jautreys.

IV. The tax to be levied at ghaut Attarah nullah, shall be fixed at ten rupees; and the tax to be levied at ghaut Lokenauth, shall be fixed at six rupees, on each person of the class of pilgrims, commonly called Laal Jautreys; whether such appellation shall have been assumed by the pilgrims themselves, or whether they shall be so denominated by their conductors.

Rate of tax on other pilgrims.

V. The tax on all other pilgrims indiscriminately shall be levied at the rate of two rupees from each person.

The abovementioned tax shall include the usual fees of the officers of the

VI. The abovementioned rates of tax on pilgrims, are to be considered to include the usual fees of the officers of the temple; and these fees shall in future be

* The whole of this Regulation is rescinded by Regulation IV, of 1809.

paid

temple, with exception of those denominated Purharees and Pundahs, who shall be entitled to receive the usual fees according to a table of rates to be fixed up for general information.

paid to them out of the funds which have been, or may be assigned for the support of the temple. Provided, however, that this rule shall not be considered applicable to the officers denominated Purharees and Pundahs, who shall be entitled to receive, in conformity to established usage, a fee from the pilgrims, according to a table of rates which shall be kept fixed at the temple of Juggunnauth, and in places adjacent to the temple for general information The officers attached to the temple, are accordingly strictly prohibited from making any demands for money, exclusive of the tax and fees specified in this and the preceding sections. This restriction however, shall not be construed to preclude the said officers from receiving presents or gifts; the same being voluntarily made. Any deviation from these rules will subject the officer, by whom such offence shall be committed, on proof thereof made to the satisfaction of the Board of Revenue, or of the Governor General in Council, (if the nature of the case shall require a reference to government under the general provisions contained in Regulation V, 1801,) to be dismissed from his employment.

Voluntary presents or gifts may be received by the officers.

Deviations from these rules will subject the officer to be dismissed from his employment.

The collector with the approbation of the Board of Revenue, shall establish such rules as may be necessary for the due collection of the tax, &c.

VII. It shall be the duty of the collector of the tax on pilgrims to establish, with the approbation of the Board of Revenue, such rules, as may be necessary for the due collection of the tax; for keeping regular and clear accounts of the receipts; for the prevention of embezzlement by the native officers; and for guarding against any evasion of the established tax by the pilgrims.

He shall likewise with the assistance of the police officers, establish the necessary rules for preserving regularity and good order amongst the persons resorting to the temple.

VIII. It shall likewise be the duty of the collector to establish, with the sanction of the Board of Revenue, and aided by the officers of police, such rules for the admission of pilgrims into the town of Juggunnauthporee, through the prescribed avenues of ghaut Attarah nullah and ghaut Lokenauth, as may be necessary to guard against accidents and confusion, and to preserve regularity and good order among the great concourse of people resorting to the temple.

What persons shall be exempted from the tax.

IX. In conformity to long and established usage, the following descriptions of persons shall be considered to be exempt from the payment of the tax on pilgrims at Juggunnauth, viz. Byraghies; persons employed in carrying the water of the Ganges to the temple of Juggunnauth, or to any other Hindoo temple; persons residing between the Byturnee nullah and the Ganjam river; persons resorting to the town of Juggunnauthpore for trade, or for any other purpose, excepting on pilgrimage. Pilgrims likewise in an actual state of poverty shall be exempted from the payment of the established tax, on declaring, under such form or ceremony as shall be prescribed by the native officers entrusted with the management of the temple, that they cannot contribute the prescribed tax of two rupees, and that they have not in their immediate possession more money than is absolutely necessary to defray their expenses on their return from the pilgrimage.

Any other class of people heretofore exempted, may be exempted by the

X. If it should appear that any other class of people was heretofore exempted from the payment of the duty levied on pilgrims under the late Marhatta government,

ment, the collector of the tax shall report the circumstance to the Board of Revenue. That Board shall submit the case, with their sentiments on the subject, to the Governor General in Council, who will order such class of people to be in future exempted from the payment of the tax, or not, as may appear to him to be proper. The Governor General in Council likewise reserves to himself the power of granting any temporary and special exemotions from the tax in favor of individuals which he may consider to be proper.

Governor General in Council, who reserves to himself the power of granting temporary and special exemptions.

XI. The superintendence of the temple of Juggunnauth and its interior economy; the conduct and management of its affairs: and the entire control over the priests, officers, and servants, attached to the idol and to the temple, shall be vested in an assembly of pundits or learned brahmins, who on all occasions shall be guided by the recorded rules and institutions of the temple, or by long and established usage.

The superintendence of the temple and its interior economy, and the control over the officers and servants attached to it, shall be vested in an assembly of pundits or learned brahmins.

XII. The assembly of pundits, shall consist of three members, to be recommended by the collector of the tax on pilgrims, through the Board of Revenue, to the Governor General in Council.

The assembly of pundits shall consist of three members recommended by the collector.

XIII. In the selection of persons to fill that situation, it shall be the particular duty of the collector to consult the opinions of the most respectable Hindoos, with respect to the description of persons, from whom the selection ought to be made, and to satisfy himself that the character and qualifications of the persons whom he may recommend, are such as afford reasonable grounds of belief, that they will exercise the important trust to be committed to them with propriety. Nothing however contained in this, or in the foregoing section, shall be construed to preclude the Governor General in Council from nominating in the first instance any person to fill the office of pundit, should he at any time deem it advisable to exercise that power.

Rules to be observed by the collector in making the selection.

The foregoing rules shall not preclude the Governor General in Council from nominating in the first instance any person to fill the office of pundit.

XIV. In all cases of difference of opinion amongst the members, the opinion of the majority shall be adopted by the assembly.

The opinion of the majority of the assembly shall be adopted.

XV. The pundits shall hold their situations so long as they shall continue to conduct themselves with integrity, diligence and propriety, but nothing contained in this Regulation shall be construed to preclude the Governor General in Council from removing any person from that situation on proof of misconduct in such person made to the satisfaction of government.

The pundits shall hold their situations during good behaviour, but may be removed on proof of misconduct.

XVI. To enable the assembly of pundits to perform the duties of their station with greater effect, they are hereby empowered to punish persons subject to their control, for any instance of neglect or misconduct, by imposing small fines upon them not exceeding one month's salary or income, or by suspending the offender from his office, if the offence shall appear to merit that punishment; provided however that, in the former case, the fines so imposed shall be reported to the collector,

The assembly of pundits are authorized to punish persons subject to their control for neglect or misconduct, by fine or suspension, under certain restrictions and rules.

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in order that the amount may be deducted from the offender's salary or wages, and that in the latter case, viz. the suspension of any officer from his employment, a report shall be made to the collector, for the decision of the Board of Revenue, or of the Governor General in Council, according to the nature and the circumstances of the case, on the principle of the rules contained in Regulation V, 1804.

Rule in cases of criminal offences of a nature requiring greater punishment than that stated in the foregoing section.

XVII. If any person attached to the temple of Juggunnauth shall be guilty of any offence of a criminal nature, which may appear to the assembly of pundits to require any greater punishment than that above stated, the person accused shall be delivered over to the charge of the officers of police, who will proceed against him in the manner prescribed in the general Regulations.

Salaries will be hereafter allowed out of the funds assigned for the support of the temple to the several persons attached to it.

XVIII. Such salaries shall be allowed out of the funds to be assigned for the support of the temple, to the persons composing the assembly of pundits at Juggunnauth, and to the other ministers and officers of the temple, as the Governor General in Council may hereafter think proper to fix for their support.

Rule to be observed in cases of vacancy occurring among the ministers and officers of the temple.

XIX. It shall be the duty of the collector to report to the Board of Revenue whenever vacancies may occur among the ministers and officers of the temple; when that Board will either order the vacancies to be filled, or refer the case to government, as may appear to be proper, in conformity to the principle of the rules contained in Regulation V, 1801. In the recommendation of persons to fill such vacancies, the collector is required to attend particularly to the established usages of the temple, and to the religious opinions of the officers of the temple, and of the pilgrims who resort to it.

The collector authorized to levy fines from the ministers, officers, &c. in certain cases.

XX. To enable the collector of the tax on pilgrims at Juggunnauth, to perform the duty entrusted to him with effect, he is hereby empowered to levy small fines from any of the ministers, officers, or servants, attached to the temple for neglect of duty or other misconduct. Provided, however, that no fine shall be levied, exceeding the actual or computed monthly allowance of the person by whom it may be payable. Provided also, that any person, on whom such punishment may be imposed, shall be at liberty, should he deem himself aggrieved, to apply for redress to the Board of Revenue; who will pass such orders on the subject as shall appear to be just and reasonable, and whose decision shall be final.

Any person so punished may apply to the Board of Revenue for redress should he think himself aggrieved.

The collector shall be ex officio assistant to the magistrate of the zillah of Cuttack, and may exercise all the powers vested in the head assistants to the zillah or city magistrates, under certain restrictions.

XXI. The collector of the tax on pilgrims at Juggunnauth shall be ex-officio assistant to the magistrate of the zillah of Cuttack, and shall be competent to exercise all the powers, which either are, or at any time may be, vested in the head assistants to the zillah and city magistrates. The person, by whom these powers may be exercised, is required at all times, to give every attention to the religious opinions of the Hindoos, and to the particular institutions of the temple of Juggunnauth, which may be consistent with the general Regulations; and with the maintenance of peace and

good

good order at the temple, and in its vicinity; and he shall on no account suffer his peons or ministerial officers to enter the precincts of the temple.

One or more of the Dewul Purchas shall be appointed to be darogah of police for the town of Jugunnauthporee and its vicinity.

XXII. The town of Jugunnauthporee, and the country adjacent, shall constitute a police jurisdiction within such limits as may be fixed with the approbation of government; and either one or more of the Dewul Purchas, as the Governor General in Council may direct, shall be appointed to be darogahs of police within those limits, with the powers vested in the darogahs by Regulation XIII, 1805, and the other Regulations thereby extended to Cuttack.

The Sudder Dewanny Adawlut may appoint the Dewul Purchas to be commissioners for the trial of civil suits to a limited amount in the town of Jugunnauthporee and its dependencies and prescribe such rules for their conduct as may appear necessary.

XXIII. It shall be competent for the court of Sudder Dewanny Adawlut, to appoint the Dewul Purchas to be commissioners in the town of Jugunnauthporee and its dependencies, for the trial of civil suits to a limited amount, under Regulation XL, 1793, and Regulation XLIX, 1803, extended to Cuttack by Regulation XIV, 1805. The Sudder Dewanny Adawlut is likewise hereby further authorized to prescribe such rules, as may appear to be necessary for the conduct of the duties of the commissioners, either in rotation, or in such other mode, as may appear to be best calculated for the speedy decision of the suits of which the commissioners are empowered to take cognizance, and as may the least interfere with the duties of the temple.

A. D. 1806. REGULATION V.*

A REGULATION *for preventing persons from evading payment of the tax established by Regulation IV*, 1806.—PASSED *by the Governor General in Council, on the 17th of April* 1806; *corresponding with the 6th Bysaak* 1213 *Bengal era; the 14th Bysaak* 1213 *Fusly; the 6th Bysaak* 1213 *Willaity; the 11th Bysaak* 1863 *Sumbut; and the 27th Moharrum* 1221 *Higeree.*

Preamble.

WHEREAS it has been deemed advisable, to make further provision for preventing evasion of the payment of the tax established by Regulation IV, 1806, on the part of persons resorting to the temple of Juggurnauth: And whereas it has been likewise judged advisable, to grant an exemption from the payment of that tax in favor of persons of the religious order, denominated Sonassies; the following rules have been established, to be in force from the time of their promulgation.

Persons of the description of Loll Jatrays, who may attempt to evade the tax by assuming the appellations of inferior ranks, shall make good the difference of the tax and be liable to a fine of double the amount.

II. The appellation of Loll Jatrays being applicable to all classes of Hindoos of substance and respectability, when engaged on a pilgrimage to the temple of Juggurnauth; if any person of that description shall endeavour to evade payment of the prescribed tax, by assuming an appellation applicable only to the inferior ranks, he shall be compelled, not only to make good the difference between the sum actually paid by him, and the established tax; but he shall likewise be subject to the payment of a fine equal to double the amount of the tax; provided that, it shall be proved to the satisfaction of the collector, that such pilgrim ought in the first instance, to have paid the tax at the rate ordered to be levied from Loll Jatrays: provided, however, that it shall not be competent for the collector to order any personal search or examination to be made of the pilgrims, for the purpose of ascertaining whether any cash be discoverable in their possession.

Collector not competent to order any personal search or examination.

Sonassies exempted from the payment of the tax.

III. Persons of the religious order, denominated sonassies, shall be exempted from the payment of the tax, established by Regulation IV, 1806, in common with the several descriptions of persons specified in Section IX of that Regulation.

Restrictions contained in Section XXI, Regulation IV, 1806, only applicable to peons, &c. serving process or executing their duty as police officers.

IV. It being prescribed in Section XXI, of the abovementioned Regulation, that "the magistrate shall on no account suffer his peons or ministerial officers to enter "the precincts of the temple;" it is hereby explained, that such restriction is only to be considered applicable to persons of that description when employed in serving process, or in the execution of other duty entrusted to them in quality of officers of police, and that the said restriction is not intended to extend to such peons or other officers, whenever they may be desirous of visiting the temple for religious or other purposes.

* The whole of this Regulation is rescinded by Regulation IV, of 1839.

A. D. 1806. REGULATION VI.

A REGULATION *for the more effectual repair of embankments.*—PASSED *by the Governor General in Council, on the 17th of April* 1806; *corresponding with the 6th Bysaak* 1213 *Bengal era; the 14th Bysaak* 1213 *Fusly; the 6th Bysaak* 1213 *Willaity; the 14th Bysaak* 1863 *Sumbut; and the 27th Mohurrum* 1221 *Higeree.*

Preamble.

WHEREAS it is provided by Sections II and III, Regulation XXXIII, 1793, that the embankments, which are maintained at the expense of government, shall be repaired under the superintendence of the collectors, subject to the control of the Board of Revenue: and whereas it has been judged expedient, that this duty shall in future be performed under the directions of those officers, who, from local situation, possess the best means of forming a judgment of the repairs required, and of the manner in which such repairs may be made by the persons entrusted with the executive part of the duty: and whereas it is advisable, that fixed and general rules should be established for preparing the annual estimates of the expense required for the repair of the said embankments, and for the audit of the accounts of the actual disbursements: and whereas it is essential, that further provisions should be made for the more effectual repair of the embankments, which the zemindars and talookdars are bound, under the conditions of the permanent settlement of the land revenue, to maintain at their own expense; the following rules have been enacted by the Governor General in Council, which are to be immediately in force throughout all the provinces, subject to the immediate government of the Presidency of Fort William.

Sections II to VII, Regulation XXXIII, 1793, and the corresponding sections of Regulation XLVI, 1795, and Regulation XLIV, 1803, rescinded.

II. Sections II, III, IV, V, VI and VII, Regulation XXXIII, 1793, and the corresponding provisions of Regulation XLVI, 1795, and likewise Sections II, III, IV, V, VI and VII, Regulation XLIV, 1803, are hereby rescinded.

The general charge of the embankments entrusted to committees to consist of such public officers as may be nominated by government.

III. The general charge of the embankments maintained in the different zillahs at the expense of government, and the superintendence of the repairs of such embankments shall be entrusted to committees, consisting of the magistrate, the collector of the land revenue, the commercial residents, and generally of such other public officers residing in the zillahs in which the said embankments are situated, as the Governor General in Council shall think proper to nominate, for the performance of that duty.

The senior servant of the Company at each station shall be president, and the register of the zillah court shall be secretary to the committee.

IV. The senior servant of the Company at each station, shall be president of the committee; and the register attached to the court of the zillah, in which such committee may be appointed, shall be ex-officio secretary to the committee.

The committee shall furnish an annual estimate of the expense required for repairing the embankments.

V. *First.* It shall be the duty of the committees to furnish the Governor General in Council, as soon after the expiration of the rains in each year, as may be practicable, with estimates of the expense, which may be required for the repair of the embankments maintained by government in the ensuing year.

Such estimates shall be prepared in the first instance by the collectors for the consideration of the committees.

Second. To expedite and facilitate the duty prescribed in the preceding clause, the collectors of the land revenue in those districts, in which committees may be established, shall prepare for the consideration of the committees, estimates of the expense which may be required for the repair of the embankments in the ensuing season, accompanied with such information from the officers employed in the performance of that duty, or from other persons as the collectors may deem necessary, to enable the committees to judge of the propriety of the estimates prepared by them.

In preparing the estimates, the collectors are at liberty to require the assistance of any person employed in the execution of the repairs.

Third. In preparing the estimates mentioned in the preceding clause, the collectors shall be at liberty to require the assistance of any person employed, with the sanction of government, in the execution of the repair of the embankments; whether such person shall be an engineer officer or otherwise; and also the assistance of any of the subordinate officers employed under such person in the repair of the embankments.

A meeting of the committee shall be held for taking the estimates into consideration at the station of the magistrate and collector, and such meeting shall not be postponed beyond the end of December in each year.

Fourth. When the estimates shall have been so prepared, a meeting of the committee shall be summoned, under the signature of the secretary, at the station of the magistrate and collector, for the purpose of taking the estimates into consideration; together with any other points connected with the duty entrusted to them by this Regulation, which may be proposed by any member of the committee; and such meeting shall not on any account be postponed beyond the expiration of the month of December, in each year.

The estimates when approved shall be forwarded to government with any suggestions the committee may deem proper.

Fifth. When the estimates shall have been approved by the committee, they shall be forwarded to the secretary to government in the revenue department, for the consideration of the Governor General in Council, accompanied with any suggestions, which may appear to the committee to be necessary or proper, with the view of preserving the embankments in an efficient and complete state of repair.

Members unable to attend the annual meeting shall state their reasons, which shall be forwarded to government by the committee.

Sixth. Should any member be unable to attend the annual meeting of the committee, he shall state the reasons of his absence to the secretary to the committee, and the committee shall forward a copy of the letter of such absentee, to the Governor General in Council; together with their report upon the estimates for his information.

The collectors shall also prepare the accounts of the expense incurred unless in cases wherein government may commit that duty and the preparation of the annual

VI. It shall likewise be the duty of the collectors, aided by the officers, both European and native, who may be employed in the execution of the repair of the embankments, to prepare the accounts of the actual expense incurred in each year on

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that account: unless it should appear to the Governor General in Council to be preferable in any instance to commit this duty to any other member of the committee, in which case the annual accounts, and the annual estimates mentioned in Section V of this Regulation, shall be prepared by such person as the Governor General in Council may direct.

estimates to any other officer.

VII. The accounts shall be taken into consideration by the committee, either at the annual meeting above prescribed, or at a special meeting convened for that purpose, or in circulation, as may be most convenient.

The accounts shall be taken into consideration by the committee at the annual meeting, or otherwise, as may be convenient.

VIII. As soon as the accounts of the actual expenditure in each year shall have received the approbation of the committee, they shall be forwarded to the civil auditor, who will submit them with any observations which he may deem necessary, to the Governor General in Council for his final orders.

The accounts when approved by the committee shall be forwarded to the civil auditor, who will submit them to government.

IX. In those parts of the country in which it may not be convenient to appoint committees, in consequence of the distance of the residence of most of the public officers from the situation of the embankments; as for instance, at Tumlook and Hidgelee, the duty entrusted by Sections V and VI, of this Regulation to the collectors, shall be performed by the salt agents, or by such other persons as the Governor General in Council may direct; and the general charge of the embankments shall be committed to the Board of Revenue,(*j*) who shall conform, as nearly as local situation and other circumstances will permit, in the performance of that duty to the rules above prescribed for the conduct of the several committees.

In cases where it may not be convenient to appoint committees, the duty entrusted to the collectors in Sections V and VI, shall be performed by such other persons as government may direct, subject to the general superintendence of the Board of Revenue, who shall conform as much as circumstances may permit, to the rules prescribed for the committees.

X. Previously to the annual meeting ordered to be holden in clause fourth of Section V of this Regulation, a deputation shall be made of one or more members of the committee at each station, for the purpose of examining in person the state of the embankments; and such member or members shall communicate to the general meeting, such observations as may have occurred to him or them respecting the actual state of the embankments, and any suggestions which may appear to be necessary for the purpose of preserving the embankments in an efficient state of repair. Those reports shall be regularly forwarded to the Governor General in Council, together with the estimate of the expense required for the repair of the embankments in each successive year.

An annual deputation shall be made for the purpose of examining the state of the embankments.

XI. The committees in the several zillahs shall be vested with a general control over the embankments which are repaired at the expense of the zemindars and farmers, as well as those which are maintained by the government. By this rule, it is not intended to interfere with the zemindars and farmers in the repair of the embankments,

The committees vested with a general control over the embankments repaired by the zemindars, &c. and how such control is to be exercised.

(*j*) In the Ceded and Conquered Provinces, and in the province of Benares, and in that part of the province of Behar, comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, the duties, powers and authority of the Board of Revenue, have been transferred to the Commissioners and Commissioner appointed respectively under Regulation X, 1807, Regulation I, 1809, and Regulation I, 1816.

bankments situated in the lands held by them, so long as that duty shall be effectually and properly performed. The committees shall, however, be at liberty, whenever they may deem it necessary, to call upon any zemindar or farmer, either by a perwannah from themselves, or through the collector as may be deemed preferable, to make such repairs to the embankments situated in the lands of such zemindar or farmer as may be required. Should any zemindar or farmer after the receipt of such perwannah neglect to make the necessary repairs, the committee shall submit to government, an estimate of the expense required for that purpose, and the repairs shall in all such cases, be made by the officers of government; and the expense recovered from the zemindar or farmer who was bound to keep the embankments in a proper state of repair. Provided, however, that in all such cases, the accounts of the actual expenditure shall be forwarded through the channel of the civil auditor, to the Governor General in Council for his sanction, previously to the amount being charged to the account of the zemindar or farmer.

Rules established for making cuts and water courses through the embankments.

XII. *First.* Material injury and inconvenience having been sustained from the abuse of the powers exercised by the holders and cultivators of land, in making cuts and water courses through the embankments; the following rules have been established for general observance with respect to that point.

The committees shall report when they may be of opinion that sluices of masonry are necessary.

Second. With the view of preventing, as far as may be practicable, the necessity of making cuts in the embankments, sluices of masonry shall be constructed at those places at which water courses may be deemed more particularly necessary. The several committees will accordingly report, whenever they may be of opinion, that such sluices are absolutely necessary for the purpose of improving the cultivation of the country, and obviating the inconvenience and expense arising from making temporary water courses at such places.

Such sluices shall be only opened by the officer in charge of the embankments under the direction of the committee or other officer superintending the repairs.

Third. Whenever such sluices may be constructed, they shall be opened only by the darogah or other native officer in immediate charge of the embankments, under such orders as the darogah or other officer may receive from the committee, or from the person entrusted with the immediate superintendence of the repairs.

Landholders shall apply to the darogah when desirous of having a water course made through any part of an embankment, and such application shall be reported to the superintending officer for orders, or to the committee.

Fourth. Whenever the holders or cultivators of land may be desirous, that a water course should be made through any part of the embankments where sluices are not constructed, they shall state the circumstance to the darogah, who will communicate the application to the person vested with the superintendence of the repair of the embankments; and that officer will pass such orders on the subject as may appear to him to be proper, applying whenever he may deem it necessary, to the committee for their instructions on the subject.

What the committees or other officers are to con-

Fifth. In deciding upon applications of that nature, the committees and officers acting under their authority, will particularly consider, not only the advantage which

such

such persons may derive from opening the embankments, but likewise the injury which the lands of other persons may eventually sustain from that cause; and will order the embankments to be opened or not, according as may appear to be most conducive to the general interests and prosperity of the country.

sider in deciding upon such applications.

Sixth. Should any person be guilty of the offence of making cuts through any of the embankments maintained at the expense of government in any other manner than that prescribed in the two preceding clauses, he shall be liable to be prosecuted criminally before the magistrate for such misdemeanor, who will decide on the case or refer it to the court of circuit, according to the extent of the injury done by the offender, and the punishment to which the magistrate may consider him to be liable.

Persons guilty of a breach of the foregoing rules liable to criminal prosecution.

Seventh. Any person so offending, will likewise be liable to be prosecuted in the civil court for damages by any person, or persons, who may have sustained any loss or injury from the improper opening of the embankments.

Such persons likewise liable to be prosecuted in the civil court for damages.

XIII. The rules contained in the foregoing section are to be considered applicable to the embankments repaired by the zemindars and farmers; with this difference, that when any person may be desirous, that water courses should be made through any part of such embankments, they are to apply to the zemindar or farmer, or to the officers employed by him in superintending the repair of the embankments; who will decide on the application, in conformity to the principle above stated: provided however, that any persons who may be dissatisfied with the decision of the zemindar or farmer, or of his officers, shall be at liberty to submit a further application to the committee, who will pass such orders on the subject as may appear to be just and reasonable. Any persons infringing this rule, will be subject to the penalties stated in clause sixth of the preceding section, and to a civil action for damages, at the suit of any individual as abovementioned.

The foregoing rules applicable to the embankments repaired by the zemindars, &c. with certain modifications.

A. D. 1806. REGULATION VII.

A REGULATION *for re-establishing a court of civil judicature in the vicinity of Calcutta; and for defining its jurisdiction.*—PASSED *by the Governor General in Council, on the 26th of April* 1806; *corresponding with the* 15*th Bysaak* 1213 *Bengal era; the 23d Bysaak* 1213 *Fusly; the* 15*th Bysaak* 1213 *Willaity; the* 8*th Bysaak* 1863 *Sumbut; and the 6th Suffer* 1221 *Higeree.*

WITH a view of improving the police in the town and suburbs of Calcutta, it was deemed expedient, in the year 1800, to constitute the justices of the peace for the town of Calcutta, magistrates of the Twenty-four Purgunnahs, and parts of the adjacent districts situated within the distance of about twenty miles from the town of Calcutta, with the general powers vested in the magistrates of the zillahs and cities by Regulation IX, 1793, and by the other Regulations in force respecting the administration of criminal justice and police. The jurisdiction of the court of circuit for the division of Calcutta was at the same time, reserved, as before, for the trial of all persons committed, or held to bail, by the magistrates of the Twenty-four Purgunnahs, for offences not cognizable by the Supreme Court of Judicature. And the dewanny adawlut, or civil court, of the Twenty-four Purgunnahs being discontinued, those Purgunnahs were annexed to the civil jurisdiction of zillah Hooghly; excepting such mehals as were more contiguous to the station of the dewanny adawlut of zillah Nuddea; which were consequently annexed to the civil jurisdiction of that zillah. This arrangement has produced the full benefit expected from it, in improving the police of the town of Calcutta and its environs. But the addition of business to the civil court of zillah Hooghly, from the annexation of the greater part of the Twenty-four Purgunnahs to its jurisdiction, has been found more than a single judge can perform, with the requisite dispatch, in consequence of which, it has been necessary, as a temporary expedient, to appoint an assistant judge in that zillah, under the provisions of Section II, Regulation XLIX, 1803; and the increasing population of the suburbs of Calcutta renders it an object of importance and public convenience, that a court of civil jurisdiction should be permanently established in the immediate vicinity of that city. The following provisions are accordingly enacted by the Governor General in Council for this purpose. Preamble.

II. A court of civil judicature shall be re-established in the vicinity of Calcutta; to be denominated, as heretofore, the dewanny adawlut of the Twenty-four Purgunnahs. (*k*) A civil court to be re-established in the vicinity of Calcutta.

(*k*) The places which formed the zillah of the Twenty-four Purgunnahs, have been divided into two zillahs; their respective names, and the mehauls belonging to each, are described in Regulation XIV. 1814.

III.

Limits of its jurisdiction.

III. The civil jurisdiction of the court established under the preceding section, shall extend to the whole of the purgunnahs and mehals which are now, or may be hereafter, placed under the criminal and police jurisdiction of the magistrates of the Twenty-four Purgunnahs, and which are not situated within the limits of the town of Calcutta. *(l)*

From what period the jurisdiction of zillah Hooghly and other zillah courts to cease in the mehals described in Section III.
And provision for transmission of records of depending causes relative thereto.

Also for future transmission of records of decided causes.

IV. The jurisdiction of the dewanny adawlut of zillah Hooghly, or of any other zillah, in the mehals described in Section III, shall cease from the receipt of this Regulation by the judge of such zillah; and all records and papers relative to depending civil causes, the cognizance of which under Section VIII, Regulation III, 1793, or any other provision in the Regulations, may appertain to the civil court established under Section II, of this Regulation, shall be immediately transmitted to the judge of such court. All separate records and papers, relative to decided causes which may have originated in the limits of the jurisdiction specified in Section III, shall also be transmitted to the judge of the dewanny adawlut of the Twenty-four Purgunnahs, as soon as the same can be collected, and the requisite list be prepared to accompany them.

Powers and duties of the judge of the civil court established under this Regulation.

V. The judge of the dewanny adawlut of the Twenty-four Purgunnahs, established under this Regulation, shall possess the same powers for the administration of civil justice, as are vested by the general Regulations in the judges of other zillah dewanny adawluts; and shall perform the same duties; in the manner and under the restrictions prescribed by the rules in force; or which may be hereafter enacted in conformity with Regulation XLI, 1793.

Not to exercise any powers, or perform any duties, appertaining to the office of magistrate.

VI. (m) The provision in Section II, Regulation IX, 1793, that the judges of the dewanny adawluts of the several zillahs, shall hold the office of magistrate of the zillah under their respective jurisdictions, shall not however be considered applicable to the judge of the dewanny adawlut of the Twenty-four Purgunnahs established under this Regulation; nor shall he be authorized to exercise any powers, or to perform any duties, which under the general Regulations, appertain to the office of magistrate, and not to that of civil judge.

Powers and duties of the office of magistrate, by whom to be exercised and performed, in the mehals, composing the jurisdiction of the dewanny adawlut of the Twenty-four Purgunnahs.

VII. (m) The justices of the peace for the town of Calcutta, who have been appointed magistrates of the Twenty-four Purgunnahs, and adjacent mehals in the vicinity of Calcutta, or such person or persons as the Governor General in Council may hereafter appoint for the purpose, shall exercise the powers and perform the duties of the office of magistrate in the purgunnahs and mehals composing the civil jurisdiction of the dewanny adawlut of

(l) See the preceding note.

(m) Rescinded by Regulation XIV, 1811, Section III. The judges of the Suburbs of Calcutta and of the Twenty-four Purgunnahs beyond the Suburbs of Calcutta, respectively exercise civil as well as criminal jurisdiction, under that Regulation.

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the Twenty-four Purgunnahs, in the manner, and under the restrictions, prescribed by the existing Regulations; or such as may be hereafter enacted, in conformity with Regulation XLI, 1793.

VIII. Section XXVI, Regulation XI, 1800, whereby it was declared that, in consequence of the abolition of the dewanny adawlut of the Twenty-four Purgunnahs, complaints against the collector of customs at Calcutta, or his officers, should be cognizable in the dewanny adawlut of zillah Hooghly, is rescinded; and it is hereby declared, that all complaints against the collector of customs at Calcutta, or his public officers, or any other public officer at the presidency, which by the Regulations in force are cognizable in any court of zillah dewanny adawlut, shall be received, tried, and determined, as prescribed in the Regulations, by the judge of the dewanny adawlut of the Twenty-four Purgunnahs, constituted in pursuance of the Regulations now enacted. (a)

Section XXVI, Regulation XI, 1800, rescinded.

Complaints against public officers at the presidency, which are cognizable in any court of zillah dewanny adawlut, to be received and tried in the dewanny adawlut of the Twenty-four Purgunnahs.

(a) The complaints alluded to in this section are, at present cognizable by the judge of the dewanny adawlut of the Suburbs of Calcutta, in consequence of the division of the Twenty-four Purgunnahs into two zillahs, under Regulation XIV, 1814.

A. D. 1806. REGULATION VIII.*

A REGULATION *to amend the existing rules for receiving complaints in the city and zillah civil courts, against collectors of the land revenue and customs, commercial residents, and other European public officers declared amenable to those courts, for acts done in their official capacity in opposition to any published Regulation; and to make further provision for a special inquiry, in certain cases of charge, or information, against any such officers.*—PASSED *by the Governor General in Council, on the* 12*th of May* 1806; *corresponding with the* 31*st Bysaak* 1213 *Bengal era; the* 10*th Jeyte* 1213 *Fusly: the* 31*st Bysaak* 1213 *Willaity; the* 9*th Jeyte* 1863 *Sumbut; and the* 22*d Suffer* 1221 *Higeree*.

BY Section X, Regulation III, 1793, (extended to Benares by Section VII, Regulation VII, 1795; and re-enacted for the ceded provinces by Section VII, Regulation II, 1803.) collectors of the revenue, commercial residents or agents, salt agents, collectors of the customs or other duties, the mint and assay masters, and their respective assistants, (as well as the native officers employed under them respectively) are declared amenable to the zillah or city court of dewanny adawlut in the jurisdiction of which they may reside, or carry on the public business committed to their charge, for any acts done in their official capacity, in opposition to any Regulation printed and published in the prescribed form. Similar provisions are contained in the Regulations which have particular reference to the functions and duties of the several public officers specified; and to those of the opium agents. It is further provided by the Regulations referred to, that if the complainant consider himself aggrieved, under any published Regulation, by an act done by any of the officers described, in pursuance to a special order originating with the Governor General in Council, or with the Board of Revenue, or the Board of Trade; or, with respect to demands of revenue, if he admit the demand to be conformable to the engagements or stipulations under which the collector may have made the demand, but deny their validity, or have any objections to them, either wholly or in part, under any Regulation passed by the Governor General in Council; the collector, or other public officer, is not to be liable to personal prosecution on account of such authorized act, or on account of demands made in conformity to such engagements, or stipulations; which are to be held valid until they are set aside, or altered, by a final judicial decision. In such cases government is to be considered the defendant; and the person deeming himself aggrieved is directed to present a petition to the judge of the Preamble.

* The whole of this Regulation is rescinded by Regulation XVII, of 1813, and Regulation II, of 1814.

zillah

zillah or city court having jurisdiction over the officer by whom the act complained of may have been done, stating wherein he considers himself injured under the Regulations; and praying that the Governor General in Council will order the court, in which the cause may be cognizable, to try the points or matters contested agreeably to the Regulations. The judge, to whom any such petition may be presented, is required to forward it immediately to the Governor General in Council; who has declared that, if he shall not think it proper to afford the redress solicited by the petitioner, and the established courts of justice shall be competent to try the cause, he will direct the court, in which it may be cognizable, to proceed to the trial of it, under the same rules and Regulations as are prescribed for the trial of suits between individuals. The officer, by whom the act complained against may have been done, is in such cases, to defend the suit on the part of government, under the directions of the Governor General in Council, or of the Board of Revenue, or Board of Trade, (according to the authority under which he may have acted,) and he is to employ for this purpose the vakeel of government attached to the court in which the suit may be tried. But in all other cases, viz. excepting such as are specially declared to be suits against government, the officer complained against is left to defend the suit by any vakeel he may think proper to employ, and at his own ultimate risk and expense, if his conduct shall appear, on judicial investigation, to have been repugnant to, or unwarranted by, the Regulations; though in suits involving any claim to money received or demanded on behalf of government, all costs of suit are allowed to be disbursed, in the first instance, from the public treasury; and the officer complained against is secured from personal loss, if his conduct shall be adjudged by a final decree to have been conformable to the Regulations. A principal object of the provisions made upon this subject, in the existing Regulations, was to distinguish suits, in which the collectors and other public officers might become personally answerable for any unauthorized deviation from the rules prescribed for their guidance, in the performance of their respective duties; and suits for acts done by them, under special orders, in the regular discharge of their official functions, in which no personal responsibility could attach to them. A further object was to furnish the Governor General in Council, with the earliest information of all cases in which individuals might deem themselves aggrieved by acts done in pursuance of special orders from the Governor General in Council, or from the Board of Revenue, or Board of Trade; that redress might be granted without a judicial process, if it should appear that any real injury had been sustained; or that the rights of government might be defended with full information and advice from the proper departments, if the complaint preferred should on enquiry, be deemed not to have any just foundation. From omissions of the prescribed forms however, and in some instances from misapprehension of the detailed provisions of the Regulations, suits have been instituted and prosecuted against the public officers, as personal actions, which ought rather to have been received

ceived and reported to government as public suits; and on the other hand, the officers complained against have some times regarded complaints of their official acts, which, if established, would render them personally responsible, to be within the description of suits against government, which they were not bound to defend individually. It is therefore advisable, with a view to prevent all possibility of doubt in such cases, that every complaint preferred in the courts of civil justice against any European public officer amenable thereto, should be reported, in the first instance, for the information and orders of the Governor General in Council. It is also expedient and requisite, that provision should be made for a special inquiry, when charges of a serious nature are preferred to any of the established courts of judicature, authorized to receive such charges, against any of the covenanted servants of the Company, employed in situations of trust and responsibility, in the revenue, or commercial department; as well as when any charge or public information of this description may be communicated directly, or through any official channel of communication, to the Governor General in Council. By the Statute 13, Geo. III, Cap. LXIII, Sec. XXXIII, it is enacted, that "if any of his Majesty's subjects "in India, employed by, or in the actual service of, the United Company, shall be "charged with, and prosecuted for, any breach of public trust, or for embezzle-"ment of public money, or stores, or for defrauding the United Company; every "such offender being convicted thereof in the Supreme Court of Judicature, may "be fined and imprisoned, and judged to be for ever after incapable of serving the "United Company." It is further enacted by the Statute 33, Geo. III, Cap. LII, Section LXII; "that the demanding or receiving any sum of money, or other va-"luable thing, as a gift or present, or under colour thereof, whether it be for the "use of the party receiving the same, or for, or pretended to be for, the use of the "Company, or of any other person whatsoever, by any British subject holding or "exercising any office or employment under his Majesty, or the United Company, "in the East Indies, shall be deemed and taken to be extortion, and a misdemeanor "at law; and shall be proceeded against and punished as such, under and by virtue "of this act; and the offender shall also forfeit to the King's Majesty, his heirs "and successors, the whole gift or present so received, or the full value thereof" These provisions of the British legislature are open to the direct prosecution of the charges therein mentioned before the Supreme Court of Judicature at Calcutta, by any individual who may be desirous of prosecuting such charges in that court, without the interposition of government. But individuals cannot be expected, in all cases, to prosecute charges of the nature specified (at their own risk and expense) in the Supreme Court at the presidency; and when an accusation is preferred to any of the courts of judicature authorized to receive the same, or public information is given to the Governor General in Council, of corruption, embezzlement, or other gross malversation, breach of trust, or high misdemeanor, by a public officer, it is

requisite

requisite for the ends of justice, that an immediate enquiry should be instituted for the purpose of ascertaining whether such accusation, or information, be founded or otherwise; in order that in the former case government may be enabled to judge, whether such officer deserve any longer to be continued in the employment of the Company, and that (in cases which may appear to require it) the provisions of the law may be carried into effect by a public prosecution in the Supreme Court of Judicature, or if the charge shall appear to be unfounded, that justice may be done to the character of the accused. The following rules are accordingly enacted by the Governor General in Council for the purposes specified; and are to be considered in force, as soon as promulgated, in the whole of the provinces subject to the immediate authority of the Presidency of Fort William.

First process to be observed, on the institution of a complaint, in a zillah or city court, against a collector, commercial resident, or other European public officer, amenable thereto; when the act complained of may not come within the special provisions of Section IV, of this Regulation.

II. Whenever a complaint may be instituted, in the manner prescribed by the Regulations, in any city or zillah civil court, against a collector of the revenue, or a commercial resident or agent, or a salt or opium agent, or a collector of the customs or other duties, or a mint or assay master; or against any assistant to such officers respectively; or generally against any European public officer amenable to a zillah or city court; for any act which, under the Regulations in force, may be cognizable by such court; and may not be of the nature described in Section IV, of this Regulation; the judge, previously to calling upon the officer complained against for his answer, shall transmit a copy and English translation of the complainant's petition to the Governor General in Council, for his information and orders.

What proceedings will be held, and orders passed, by government, on references made to the Governor General in Council under the preceding section.

III. On receipt of the reference directed in the preceding section, the Governor General in Council, after making such enquiry as he may judge necessary, through the Board of Revenue, or Board of Trade, or in any other mode which the circumstances of the case may suggest, will determine, in the event of the redress sued for by the complainant not being granted, whether the suit instituted shall be defended, as a public suit, by government; or whether it shall be considered a private suit, and left to the defence of the person against whom it is brought; or generally what mode of proceeding shall be adopted with respect to the suit in question. The orders of government, in consequence, shall be immediately communicated to the judge of the court in which the suit may have been instituted; or in which it may be cognizable; and he shall be guided thereby, as far as they may respect the general mode of proceeding to be observed by him under the Regulations in force. Provided, that if the Governor General in Council shall order the complaint, so referred, to be tried in a zillah or city court, either as a public suit against government, or as a private suit against the party whose acts are complained of, the whole of the rules in force relative to the trial and decision of such suits, respectively, shall be considered applicable to the trial and decision of the suit in question; in like manner as if no special orders from government had been received.

To what respect the judges of the civil courts to be guided by the orders of government, upon such references.

IV.

IV. Whenever a complaint, or charge of corruption, viz. of the corrupt demand or receipt of money, or other valuable thing, as a gift, or present, or under colour thereof, or a charge of embezzlement of public money, or stores, or of any gross fraud upon the Company or breach of public trust, or other high misdemeanor, such as may appear to come within the provisions of the statutes quoted in the preamble to this Regulation, or may be indictable as a misdemeanor in the Supreme Court of Judicature, under any other statute in force, or though not so indictable may amount to a gross breach of duty or trust, such as, if established, would subject the party to dismission from office; shall be preferred against any of the officers mentioned in Section II, of this Regulation, in any zillah, city, or provincial court authorized by the Regulations to receive the same; or before the court of Sudder Dewanny Adawlut; the judge, or judges, of the court receiving such complaint or charge, shall transmit a copy and English translation of the petition of plaint or charge, for the information and orders of the Governor General in Council.

First process to be observed on complaints, or charges, of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor.

V. On the receipt of any petition transmitted to the Governor General in Council, under the preceding section, as well as in all cases, when a charge or public information, of the nature therein described, may be communicated directly to the Governor General in Council, or through the medium of the Board of Revenue, or Board of Trade, or of any other official channel of communication to government; the Governor General in Council will order such general enquiries to be made, as the nature of the case may suggest; either by a reference to the Board of Revenue, or Board of Trade, or to any of the local authorities, or (in cases in which it shall appear to be expedient) by calling upon the person accused, for an explanation of the charges exhibited against him for the purpose of ascertaining, whether any grounds exist for making a more full and formal investigation into the charges.

What proceedings will be held, and determination passed, by government, on references made to the Governor General in Council under the foregoing section; or when a charge, or public information, of the same nature, may be otherwise communicated to the Governor General in Council.

VI. When it may appear necessary to cause a special inquiry to be made into any charge of the nature of those above described, the Governor General in Council will appoint a commissioner or commissioners, who, previously to entering upon the performance of the duty committed to him, or them, shall take and subscribe the following oath, before such person, or court, as the Governor General in Council, may direct to administer it.

Commissioners to be appointed and oath to be taken by them, when a special inquiry may appear necessary.

"I, A. B. appointed a commissioner for making a special inquiry into a certain charge (or charges) exhibited against C. D. do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favor, or bias, to the best of my ability, knowledge, and judgment.—So HELP ME GOD."

VII. The Governor General in Council, will, at the same time, order the commission so appointed, to be holden at such place as may appear to be most convenient.

Commission where to be holden.

VIII. The court of Sudder Dewanny Adawlut, is hereby invested with a general control over the proceedings of all commissions constituted under the present Regulation.

Court of Sudder Dewanny Adawlut invested with general control over all

commissions, appointed under this Regulation.
And empowered to instruct the commissioners, on all points not expressly provided for by this, or any other, Regulation.

gulation. The commissioners are accordingly to apply to the Sudder Dewanny Adawlut, for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other Regulation; and the Sudder Dewanny Adawlut, is empowered to pass such orders on the subject as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice. Provided however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to the Sudder Dewanny Adawlut to be advisable to make provision by a general Regulation, that court shall prepare the necessary draught of a Regulation for the purpose, and submit it to the Governor General in Council, for his consideration.

Provision for submitting to government any new Regulation, which may appear advisable, in such cases.

In what cases the Governor General in Council will order the suspension from office of the person charged with any of the offences specified in Section IV.

IX. Whenever a special commission may be appointed under the provisions of this Regulation for the investigation of charges exhibited against a public officer, such officer shall be suspended from the discharge of the functions of his station, and from the receipt of the salary and allowances attached to it. But if the charge be found, on enquiry, to have no foundation, the Governor General in Council, on restoring the suspended officer to the exercise of the functions of his station, will order payment of the whole of his salary and allowances, from the date of his suspension; in like manner, as if it had never taken place.

By whom the prosecution is to be conducted, when a commission may be instituted, under this Regulation.

X. Whenever a commission may be instituted under the provisions of the present Regulation, for the investigation of charges exhibited against a public officer, the Governor General in Council, will determine, whether the conduct of the prosecution shall be left to the accuser; or be undertaken on the part of government. In the latter case, it shall be the duty of the Board of Revenue, or the Board of Trade (according as the person accused may be attached to the revenue or the commercial department) to digest and prepare the charges from the papers which may be transmitted to them for that purpose by the Governor General in Council, and from any further information obtainable from the accuser, or from any other source; to bring the evidence in support of the accusation in due order before the commissioners; and generally to conduct the proceedings on the part of the prosecution, through the channel of the register of the zillah or city court, in which the commission may be assembled; whose duty it shall be, on all occasions of the above nature, to conduct the prosecution before the commissioners on the part and under the orders and guidance of the Board of Revenue, or the Board of Trade, and with the aid of the vakeel of government. The person, or persons, by whom the charges or information shall have been exhibited, may also be examined upon oath, on the part of the prosecution.

Persons by whom the charges, or information, have been exhibited, may be examined on oath, for the prosecution.

The person by whom the information may have been originally lodged, at liberty to communi-

XI. Under the provisions contained in the preceding section, the person by whom the information or accusation may have been originally lodged, will of course be at liberty to communicate in writing with the Board of Revenue, or Board of

Trade,

Trade; or personally with the officer appointed to conduct the prosecution on the spot, as circumstances may from time to time require.

cate in writing with the Board of Revenue, or Board of Trade, or personally with the officer conducting the prosecution.

General duty of the commissioners appointed under this Regulation.

XII. It shall be the general duty of commissioners appointed under this Regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, the witnesses named by the accuser, or the accused, as having knowledge of any facts relative to the charges, or defence; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited, by either party; and may appear to be necessary for the ascertainment of facts; or the discovery of the truth or falsehood of the charges; or of any part thereof.

Powers vested in a commission, constituted under this Regulation.

XIII. For the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission constituted under this Regulation, it shall be vested with the same powers as are exercised by a court of zillah or city dewanny adawlut; except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through, and executed by, the zillah or city court, in the jurisdiction of which the commission may be held; or in which the witness, or other person upon whom the process is to be served, may reside. In the rejection of inadmissible evidence, in the exclusion of irrelevant and superfluous matter, and in other questions affecting the regularity and fairness of the investigation; as well as in preventing unnecessary delays, and impediments; the commissioners are to be governed by the rules and maxims of justice; and in all points, not expressly provided for by this Regulation, the provisions contained in the general Regulations are to be observed, as far as they may appear consistent and applicable.

By whom process for attendance of witnesses, and other compulsory process, to be served and executed.

By what rules and maxims of justice, the commissioners to be guided, in questions affecting the regularity and fairness of their investigation; and in preventing delays and impediments.

Provisions of the general Regulations, to be observed, as far as applicable, in all points not expressly provided for by this Regulation.

XIV. On the close of the evidence in support of the prosecution, and in defence of the accused, before the commission, it shall be at the option of the party accused, to record any observations upon the result of the inquiry, which he may think necessary for the vindication of his conduct and character. The accuser, or the Board of Revenue, or the Board of Trade, in cases in which the prosecution may be conducted on the part of government, shall also be at liberty to record any remarks on the subject of the prosecution which may be deemed requisite, for the information of the court of Sudder Dewanny Adawlut, and of the Governor General in Council.

The person accused, as well as the accuser, or prosecutor, may record any requisite observations, upon the close of the evidence before the commission.

XV. When the proceedings of the commission shall have been concluded, or as soon afterwards as circumstances may admit, the commissioner or commissioners, shall transmit to the Sudder Dewanny Adawlut, the whole of the proceedings held, and documents received (accompanied with translations of papers

Proceedings to be transmitted, and report made, to the court of Sudder Dewanny Adawlut when the inquiry of the commissioners is concluded.

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not in the English language) together with a summary of the pleadings and evidence, and his or their opinion on the merits of the case.

Report and documents to be submitted to the Governor General in Council by the Sudder Dewanny Adawlut, with the opinion of that court upon the proof of the facts charged.

XVI. The judges of the Sudder Dewanny Adawlut, after duly considering the proceedings and report transmitted to them under the preceding section, and after calling for any further evidence which may appear to them attainable and requisite, shall submit the whole of the proceedings and documents received by them to the Governor General in Council; with their opinion, whether any and what facts charged against the party accused appear to have been established.

Final orders to be then passed by government.

And when necessary, instructions will be issued to the law officers of government, for a public prosecution in the Supreme Court.

XVII. The Governor General in Council, on consideration of the report and proceedings submitted to him, in pursuance of the foregoing section, will pass such final orders as may appear to him just and proper; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution, in the Supreme Court of Judicature, will issue the necessary instructions for that purpose to the law officers of government.

In what cases, false accusers, or informers, will be liable to prosecution for damages.

XVIII. Should the result of any special inquiry, instituted under the provisions of this Regulation, shew the charge or information, upon which it may have been ordered, to be altogether without foundation, and more especially if it should appear to have originated in any calumnious or malicious motive, the false accuser or informer, will be liable to prosecution for damages, in any court to which he may be amenable, at the suit of the person against whom the charge or complaint may have been preferred. The Governor General in Council further reserves to himself a power of directing, in any particular case, which may appear to require it, that the expense attending the inquiry, made upon a charge, clearly shewn to be false and unfounded, and evidently known to be such by the accuser, at the time of his accusation, shall be defrayed by him, and recovered, under the orders of the court of Sudder Dewanny Adawlut, by the ordinary process for enforcing a judgment of that court.

And power reserved to government, of ordering, in any particular case that may require it, the expense of the inquiry made, to be defrayed by the false accuser.

General explanation of the provisions in this Regulation, as not restricting public, or private, prosecutions in the Supreme Court, at all times, in the mode prescribed by law.

XIX. Nothing in the present Regulation shall be construed to preclude the Governor General in Council from ordering a public prosecution, in the Supreme Court of Judicature, whenever it may appear to him expedient, without making the special inquiry herein provided for. Nor will any resolution or order, which the Governor General in Council may pass under this Regulation, prevent individuals from having recourse, at all times, to the Supreme Court; in the mode prescribed by law.

A. D. 1806. REGULATION IX.

A REGULATION *for giving further effect to the rules passed by Government on the 4th July* 1801, *for providing more effectually against the illicit manufacture, importation, transportation, and sale of Salt.*—PASSED *by the Governor General in Council, on the 5th of June* 1806; *corresponding with the 23d Jeyte* 1213 *Bengal era; the 4th Assar* 1213 *Fusly; the 23d Jeyte* 1213 *Willaity; the 4th Assar* 1863 *Sumbut; and the 17th Rubbi-ul-awul* 1221 *Higeree.*

BY Clause Second, Section IX, Regulation VI, 1801, all persons in charge of salt in its transit by land or water, within the provinces of Bengal, Behar, and Benares, and that part of Orissa subject to the dominion of the honorable Company, are required to keep their rowannahs or char-chitties with the salt; and it is declared, that if the owner or person in charge of salt, which may have been attached, shall assert, that he is in possession of a proper rowannah or char-chitty, which he cannot immediately produce, such assertions shall not be regarded, and the salt shall become liable to confiscation. But it often happens that many boats are laden with salt covered by one and the same rowannah; so that if by any accident a part of a fleet of salt boats, so circumstanced, should be separated from the rest of the boats with which the rowannah may be kept, the part so separated must necessarily become liable to confiscation under the Regulation above quoted; a rigid enforcement of which might operate as a serious injury to the proprietor of regular rowannah salt; yet it is indispensably necessary that all salt, in its transit from the honorable Company's golahs, and within the limits of the salt chokies, should be constantly accompanied with some official written document to distinguish regular from illicit salt. With a view therefore to relieve the merchants from the possible injurious operation of the before mentioned clause, and at the same time, to guard against the illicit transportation of salt, the honorable the Governor General in Council has been pleased to enact the following rules, to have effect from the date of their promulgation.* Preamble.

II. *First.* Salt shall not be transported within the limits of the salt chokies by land or by water without a chellaun from the proper officer accompanying it, in addition to the rowannah or char-chitty ordered and described in Section VIII, Regulation VI, 1801. Salt not to be transported without a chellaun.

Second. The agents of the different salt divisions and other officers in charge of the honorable Company's salt, shall furnish the proprietors, or their agents, of salt Salt agents to furnish it.

* Extended to the zillah of Cuttack by Regulation XXII, of 1814.

that

that shall be cleared out from any of the golah stations under their respective charge, with a chellaun for every boat, vessel, or karroo, or division of bullocks, that may be laden with salt.

The chellaun to be signed by the agent or other European officer.

Third. The chellaun, in all practicable cases, shall be signed by the agent or other European officer, in charge of the golahs, as well as by the doragah, or other head native officer of the golah station, at which the salt shall be delivered. The chellaun shall specify the quantity of salt laden on the boat, vessel, or karroo of bullocks; the date of the sale, and number of the lot, in part or in full of which the salt is delivered; the name of the original purchaser at the sale, and of the present proprietor of the salt; the number of the rowannah by which the salt is covered, and the total quantity of salt covered by the same; the name of the gomastah who shall receive the salt, of the proprietor of the boat, vessel, or karroo of bullocks, on which the salt shall be laden, and of the manjee, serang, or sirdar, in charge of such boat, vessel, or karroo; the description, burthen, and number of oars of the boat or vessel, and the number of bullocks in the karroo, also the place of destination of the salt.

Particulars to be specified in the chellaun.

Certificate at the foot of the chellaun.

Fourth. The proprietor of the salt, or the person receiving the same from the golah stations on his account, shall certify at the foot of the chellaun, that it has been duly and correctly drawn up.

The chellauns to accompany the boats or bullocks laden with the salt to be produced to the officers of government.

III. All persons in charge of salt are required to keep their chellauns constantly on board of their boats or vessels, or with the bullocks on which the salt described on the chellauns may be laden; to produce the chellauns at a moment's warning to any officer of government, duly authorized to attach illicit salt, who may demand a sight of them; and to surrender the chellauns to the darogah of the last chokey which the salt may have to pass on its route to the place of destination. And it is hereby declared, that any salt laden on any boat, vessel, or karroo of bullocks which may be attached, for which a proper chellaun shall not be instantly produced, or the chellaun accompanying which shall not correspond in every particular with the salt which it may accompany, and also with the rowannah covering the salt, which latter document is required to be produced twenty-four hours after the attachment of the salt, unless the most satisfactory reasons for any further delay in the production of it be assigned, shall be liable to confiscation.

Cases in which salt is liable to confiscation.

Rule respecting the examination of salt-boats and chellauns.

IV. *First.* It is understood to be a common practice with the darogahs of the salt chokies, instead of personally examining and footing salt with the assistance of their mohurrers, to depute peons, or other inferior officers of the chokies, to execute that duty, and to require the merchants, having rowannahs to be endorsed, to bring them to their houses for that purpose.

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Second. It is hereby declared, that the chellauns shall on no account be demanded, or on any pretence whatever be removed from on board of the boats or vessels containing the salt described in the chellauns, but it shall be the duty of the darogah or mohurrer of each chokey personally to examine the salt and chellaun on board of every boat or vessel coming to his station, and having ascertained that the salt and boats or vessels, correspond with the description given of them in the respective chellauns, to certify the same, together with the date of such examination on the back of the chellauns.

V. Any person engaging in clandestine or fraudulent dealings with respect to chellauns, shall be liable to the penalty prescribed by Section XXIV, Regulation VI, 1801, for persons engaged in fraudulent dealings with respect to rowannahs and char-chitties.

Penalty prescribed in Section XXIV, Regulation VI, 1801, applicable to persons engaging in issuing clandestine or fraudulent chellauns.

A. D. 1806. REGULATION X.*

A REGULATION *for extending to the judicial department such parts of Regulation VIII,* 1806, *as are applicable to charges, or information, against the European public officers employed in that department; and for making further provision in such cases.*—PASSED *by the Governor General in Council, on the* 19*th of June* 1806; *corresponding with the 7th Assar* 1213 *Bengal era; the* 18*th Assar* 1213 *Fusly; the 7th Assar* 1213 *Willaity; the 3d Assar* 1863 *Sumbut; and the* 1*st Rubbee-us-sanee* 1221 *Higeree.*

Preamble.

THE provisions contained in Section IV, and the succeeding sections of Regulation VIII, 1806, for receiving and inquiring into charges, or information, of corruption, embezzlement, or other high misdemeanor, against the European public officers employed in the revenue and commercial departments, being, with certain modifications, equally applicable to similar charges or information against the covenanted servants of the Company, holding stations of trust and authority in the judicial department; the Governor General in Council has enacted the following rules, to be in force, as soon as promulgated, in the whole of the provinces immediately subject to the presidency of Fort William.

Parts of Section X, Regulation V, 1793, and Section X, Regulation IV, 1803, rescinded. Also Section VIII, Regulation VI, 1793; and Section VIII, Regulation V, 1803.

II. Such parts of Section X, Regulation V, 1793, and Section X, Regulation IV, 1803, as relate to charges of corruption against the judge of a zillah or city court, preferred to a provincial court of appeal, as well as Section VIII, Regulation VI, 1793, and Section VIII, Regulation V, 1803, relative to charges of corruption against the judge of a zillah or city court, or of a provincial court of appeal, preferred to the court of Sudder Dewanny Adawlut, are hereby rescinded.

Parts of Section IX, Regulation XIII, 1793, and Section XII, Regulation XII, 1803, likewise rescinded.

III. Such parts of Section IX, Regulation XIII, 1793, and Section XII, Regulation XII, 1803, as relate to charges of corruption and extortion against the registers or assistants to the civil and criminal courts; or against any other officers of those courts being covenanted servants of the Company, are also rescinded.

First process to be observed on charges of corruption, embezzlement, or other high misdemeanor, preferred against any of the covenanted servants of the Company employed in the judicial department.

IV. Whenever a charge of corruption, embezzlement, or other high misdemeanor, as described in Section IV, Regulation VIII, 1806, against the register, or assistant to the register, of any zillah or city court, or against an assistant to the magistrate of any zillah or city, may be preferred to the judge of such zillah or city, or to the provincial court of the division in which such zillah or city may be situated; or to the court of Sudder Dewanny Adawlut; and whenever any such charge against the judge or assistant judge, or the magistrate of a zillah or city, or against the register, or assistant to the register, of any provincial court of appeal and circuit, may be preferred

* The whole of this Regulation is rescinded by Regulation XVII of 1813, Section II, except so much of the last section as relates to the security to be required from persons preferring charges of corruption or extortion against the Hindoo and Mahomedan law officers and ministerial officers of the courts of judicature.

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to the provincial court, having authority over the judge, magistrate, or other officer so accused; or to the court of Sudder Dewanny Adawlut, and whenever any such charge against the judge of a provincial court of appeal and circuit, or against the register, deputy register, or any assistant to the register, of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, may be preferred to the court of Sudder Dewanny Adawlut; the judge, or judges, of the court receiving any such charge, shall immediately transmit the same (with an English translation, if preferred in any of the country languages) for the information and orders of the Governor General in Council.

To whom the Governor General in Council will refer the charge for investigation, when it may appear requisite.

V. On the receipt of any charge transmitted to the Governor General in Council under the preceding section, as well as in all cases when a charge, or public information of the nature therein described, against any covenanted servant of the Company employed in the judicial department, may be communicated directly to the Governor General in Council, he will call for any explanation, or cause any general previous inquiry to be made, which he may deem proper, on consideration of the nature and circumstances of the case. If on receipt of such information it shall appear to the Governor General in Council to be necessary and proper, either from the importance or nature of the charge, to cause a further inquiry to be made, he will refer the charge for investigation to any of the established courts of judicature, or to a special commission, consisting of one or more of the judges of those courts, or any other person or persons whom he may judge it expedient to appoint for the purpose.

Oath to be taken by any special commissioners, to whom the charge may be referred for inquiry.

VI. When a charge, received under this Regulation, may be referred for inquiry to any special commission, not being one of the established courts of judicature, the commissioner or commissioners, previously to entering upon the performance of the duty committed to him or them, shall take and subscribe, before such person or court, as the Governor General in Council may direct to administer it, the oath prescribed in Section VI, Regulation VIII, 1806.

What parts of Regulation VIII, 1806, to be applied to charges referred for inquiry under this Regulation.

VII. The provisions contained in Sections VII, VIII, XII, XIII, XIV, XV, XVI, XVII, XVIII, and XIX, of Regulation VIII, 1806, shall also be applied to the investigation of any charges referred for inquiry by the Governor General in Council, under the present Regulation.

Persons accused to be suspended.

VIII. Whenever a charge may be referred for investigation, after the general previous enquiry mentioned in Section V, of this Regulation, either to any of the established courts of judicature or to a special commission, the officer accused shall be suspended from the discharge of the functions of his station, and he shall, at the same time, be suspended from the receipt of the salary and allowances attached to such station. But if the charge be found, on inquiry, to have no foundation, the Governor General in Council, on restoring the suspended officer to the exercise of the

functions

functions of his station, will order payment of the whole of his salary and allowances, from the date of his suspension, in like manner as if it had never taken place.

Discretion reserved to the Governor General in Council of ordering a prosecution of the charge on the part of government, and by whom to be conducted in such cases.

IX. When a charge may be referred for inquiry under this Regulation, the Governor General in Council will determine, whether the conduct of the prosecution shall be left to the accuser; or be undertaken on the part of government. In the latter case, the Governor General in Council will appoint a committee, consisting of such of the public officers at the presidency, as he may judge proper, to digest and prepare the charge or charges, from the papers received, and any further information obtainable from the accuser, or from any other source; and to bring the evidence in support of the accusation in due order before the court or commission. The Governor General in Council will at the same time nominate, either the register of the provincial, zillah, or city court, where the enquiry is to be made, or such other person as may be deemed proper to conduct the proceedings on the part of the prosecution, under the orders of the said committee, with the aid of the vakeel of government. The person or persons by whom the charge or information shall have been exhibited, may also be examined upon oath, on the part of the prosecution.

Security for prosecuting the charge, not to be demanded in the first instance.

But may be required, if necessary, at any time in the course of the inquiry.

This provision declared applicable to charges referred for inquiry under Regulation VIII, 1806.

And to charges of corruption and extortion against the native law officers and ministerial officers of the civil and criminal courts.

X.* Security shall not be demanded, in the first instance for the prosecution of any charge received under this Regulation. But in the event of its appearing necessary, at any time in the course of the inquiry, sufficient hazirzaminy security may be required from the accuser, to attend and prosecute the charge to a conclusion. This provision shall also be considered applicable to charges against the public officers of the revenue and commercial departments referred for special inquiry under Regulation VIII, 1806; as well as to charges of corruption and extortion against the Hindoo and Mahomedan law officers, and the native ministerial officers, of the civil and criminal courts in qualification of the rules contained in Regulations XII and XIII, 1793, and Regulations XI and XII, 1803, whereby security is required for the prosecution of a charge of corruption or extortion against any such officer, previously to the charge being received.

* So much of this section as does not relate to the security to be required from persons preferring charges of corruption or extortion against the Hindoo and Mahomedan law officers and ministerial officers of the courts of judicature, is rescinded by Regulation XVII of 1813.

A. D. 1806. REGULATION XI.

A REGULATION *for facilitating the progress of detachments of troops, through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in Sections LXVIII and LXXII, Regulation XXII, 1795, in Clauses Fifth and Sixth, Section XIV, Regulation VIII, 1805, and in Section XXXI, of that Regulation, to the whole of the Company's provinces, subject to the immediate government of the presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in Clause First, Section XII, Regulation I, 1804.*—PASSED *by the Governor General in Council, on the 3d of July 1806; corresponding with the 21st Assar 1213 Bengal era; the 3d Sawun 1213 Fusly; the 21st Assar 1213 Willaity; the 2d Sawun 1863 Sumbut; and the 15th Rubbee-us-sanee 1221 Higeree.*

WHEREAS it is expedient to enact into a Regulation, for general information and observance, the rules which have been established by government at different times, (with such amendments as have been deemed necessary) for facilitating the progress of military detachments through the Company's provinces; for ascertaining and defraying any necessary expense incurred for that purpose; and for providing a compensation, when any material damage may be sustained in the cultivation of the country from the march or encampment of troops; and whereas it has also been judged proper to empower the local officers of police to afford such reasonable assistance as may be required by travellers (whether European or native) proceeding through their respective jurisdictions in procuring the means of prosecuting their journies; and whereas it is further necessary to extend to the other provinces, under this presidency (with modifications) the rules established, in the province of Benares by Sections LXVIII and LXXII, Regulation XXII, 1795, prohibiting with certain exceptions, the use of the uniform of the Company's native troops; the sending of sepoys or lascars into villages for the purpose of procuring provisions; or of pressing coolies and boatmen, and the employing of badged peons, or other public servants wearing badges; as well as the rule established, in the ceded and conquered provinces, by Clauses Fifth and Sixth, Section XIV, Regulation VIII, 1805, for the trial and punishment of military guards in charge of prisoners who may escape; and likewise the rule contained in Section XXXI, Regulation VIII, 1805, for promulgating the Regulations in the country language; and whereas it is likewise necessary that fixed and defined rules should be established for the guidance of the magistrates and other civil officers in applying for detachments, guards, or escorts Preamble.

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for the public service from the regular battalions; and whereas it has been judged advisable to modify the rule contained in Clause First, Section XII, Regulation I, 1804: the following rules have been enacted; to be in force throughout the whole of the provinces subject to the immediate government of the presidency of Fort William (according as such rules may be applicable to the said provinces respectively) from the date of their promulgation. (*a*)

Timely notice to be given to collectors and magistrates, by officers commanding detachments proceeding through any part of the Company's territories.

II. Whenever a detachment of troops, or a single corps, shall be ordered to proceed, by land or by water through any part of the Company's territories, the commanding officer of such detachment, or corps, is required to give the earliest practicable notice to the collectors of the revenue of the zillahs, through which the troops are to pass, of the probable time of their arrival within such districts respectively; together with information of the probable period of their arrival at the particular places where supplies may be required, and a specification of the supplies which will be wanted. The commanding officer will likewise notify to the collectors, the probable period of the arrival of the troops at the rivers or nullahs, intersecting their march, where boats or temporary bridges may be necessary for crossing the troops, and the baggage attached to them. The commanding officer will, at the same time, communicate to the magistrates of the zillahs through which the troops are to pass, the probable time of the arrival of the troops within their respective jurisdictions.

In what manner the collector shall proceed, on receiving the above notice.

III. *First.* On receiving the notification mentioned in the foregoing section, the collector shall immediately issue the necessary orders to the landholders, farmers, tehseeldars, or other persons in charge of the lands through which the troops are to pass, for providing the supplies required: and for making any requisite preparations of boats or temporary bridges, or otherwise, for enabling the troops to cross such rivers or nullahs as may intersect their march without any impediment or delay. The collector shall, at the same time, depute a creditable native officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies, and of facilitating the march of the troops. It shall also be the duty of such native officer to provide the troops with whatever bearers, coolies, boatmen, carts and bullocks, may be indispensably necessary to enable the troops to prosecute their route. Should he experience any difficulty in the performance of this duty, he is at liberty to apply for assistance to the nearest police officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks, required.

Police officers to assist in providing bearers, coolies, boatmen, carts, and bullocks.

At what rates, supplies furnished to troops marching through the Compa-

Second. The supplies furnished, under the foregoing clause (including earthen pots, firewood, and every article of supply) shall be paid for by the persons receiving

(*a*) Extended to the Purgunnahs of Sonk, Sonsa and Sahar, annexed to the zillah of Agra, by Regulation XII, 1806, Section III——to the portion of the lands constituting the Jaghire of the late Killadar of Calenger, annexed to the zillah of Bundlecund, by Regulation XXII, 1812, Section IV——and to the purgunnah of Handya, annexed to the district of Allahabad, by Regulation XVIII, 1816, Section II.

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the same, at the current bazar prices of the place at which they may be provided: and all officers commanding detachments of troops, or single corps marching through any part of the Company's territories, are enjoined to make immediate inquiry into any complaints which may be preferred to them by the persons furnishing such supplies, or in their behalf against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

ny's territories, shall be paid for.

Commanding officers to make immediate inquiry into complaints preferred to them against persons under their command.

IV. *First.* Whenever a detachment of troops, or a single corps, shall be provided with boats, temporary bridges, or other accommodations, by any landholder, farmer, tehseeldar, or other person, conformably to the orders of the collector of the zillah for the purpose of crossing the troops and their baggage over rivers or nullahs, the commanding officer of such detachment, or corps, will grant a certificate to the person furnishing the same, specifying the number of boats and persons employed, the burthen of each boat, and how long employed on the public service. In instances in which temporary bridges may be constructed for the above purpose, the certificate to be granted by the commanding officer, is to specify, generally, the dimensions of the bridges and the materials of which they may be composed.

Certificate to be granted by the commanding officer, when troops shall be provided with boats, bridges, or other accommodations, under this Regulation, to enable them to prosecute their route.

Second. The certificate mentioned in the foregoing clause, shall be immediately transmitted to the collector of the zillah, by the person receiving it; accompanied by a detailed account of the expense incurred for the purposes therein specified. The collector shall, without delay communicate the particulars of the account to the officer commanding the detachment, or corps, on whose account the expense may have been incurred, who shall certify, generally thereon, whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

Such certificate to be transmitted to the collector by the person receiving it, with a detailed account of the expense incurred.

The account to be transmitted by the collector to the commanding officer. What to be certified thereon by the commanding officer.

Third. When the account abovementioned shall be returned to the collector, he shall certify, whether the sums and rates charged in it are, in his opinion, reasonable, and conformable to the usual rates of labor and hire in the zillah; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel, to the Governor General in Council. After the account shall have undergone the examination and report, prescribed for all military contingent charges, the Governor General in Council will pass such final order as may appear proper. In the mean time the collector is empowered, in such cases, to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer, or other person entitled thereto; inserting the amount so disbursed by him at the foot of his treasury account, in explanation of his treasury balance, in the mode prescribed for similar cases.

The account and vouchers to be transmitted by the collector, with his report on the charges through the prescribed channel to the Governor General in Council.

In the mean time, the collector is empowered to pay such proportion of the charge as he may consider reasonable; inserting the amount at the foot of his treasury account.

V.

In what manner landholders and other persons farming or holding land, are to proceed. who shall have sustained any injusy from the march or encampment of troops.

V. *First.* Whenever a proprietor, farmer, tenant or manager of land through which any detachment, or corps, of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march, or encampment of the troops, he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared of the nature and extent of the injury sustained; when the commanding officer is required to certify generally thereon, whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

Certificate to be granted by the commanding officer on such occasions.

The person receiving such certificate is at liberty to present the same with a statement of his claim, to the collector within ten days from the date of the certificate.

Second. If the proprietor, farmer, tenant, or manager, after receiving such certificate, shall consider himself entitled to compensation, he will be at libery to present the statement of his claim with the commanding officer's certificate thereon, to the collector of the zillah (either in person or by his vakeel) within ten days from the date of the certificate, but no claim of this description shall be received by the collector, after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay. The collector on receiving a statement of damage, and the commanding officer's certificate thereon, within the prescribed period, or afterwards, if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be weil founded; and shall report his proceedings to the Board of Revenue(*b*) accompanied by his opinion on the merits of the claim, for the consideration and orders of government. It is however declared, that no claim will be received, unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed; excepting in instances in which the claimant can show good and sufficient cause for not having obtained such certificate. In such cases, if the collector shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

Exception to the foregoing rules.

Rule for the conduct of the collector, on receiving such statement and certificate.

To report his proceedings to the Board of Revenue for the orders of government.

With the exception specified in this clause, no claim will be received, unless accompanied by the prescribed certificate of the commanding officer.

In what manner the magistrates are to act, on receiving the notice mentioned in Section II.

VI. Immediately on receiving the notification mentioned in Section II, the magistrate shall transmit orders to the several police darogahs or other local officers of the police, through whose jurisdiction the troops are to pass, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions; and to co-operate, as far as necessary with the person deputed on the

In what manner police officers are to assist, in facilitating the march of troops.

(*b*) In the Ceded and Conquered Provinces to the Board of Commissioners, under Regulation X, 1807, and Regulation I, 1809, and to the Commissioner in Behar and Benares, under Regulation I, 1816, in the province of Benares and that part of the province of Behar, comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot.

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part of the collector, in procuring the requisite supplies; as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

VII. Officers commanding detachments of troops, or single corps, on their march through any part of the Company's territories, are already required, by the general orders, issued under date the 1st of February 1788, to report to the commander in chief, in what manner the troops have been supplied, in passing through the districts lying in their route. In like manner, the collectors are directed to report to the Board of Revenue,(c) and the magistrates to report to the Nizamut Adawlut, for the information of the Governor General in Council, any complaints which may be made to them of the misbehaviour of the troops, when such complaints shall appear to be well founded, and of sufficient importance to require communication to government.

What report to be made to the commander in chief by officers commanding troops on their march, through the Company's territories.

In certain cases any misbehaviour of the troops to be reported by the collectors to the Board of Revenue, and by the magistrates to the Nizamut Adawlut for the information of government.

VIII. Whenever any military officer, not commanding, nor proceeding with a corps, or detachment of troops, or any other person, (whether European or native) not restricted by government from passing through the country, may be proceeding within any part of the Company's provinces, either on the public service, or on his private affairs, and shall be in need of assistance, during his route, to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of police, to aid him in providing any requisite bearers, coolies, boatmen, carts, or bullocks, or any necessary supplies of provisions, or other articles; on receiving an application of the above nature, the police officer to whom it may be made, shall furnish the aid required, or cause it to be furnished by the proper person or persons; provided that a sufficient number of persons who have been accustomed to act as bearers, coolies, or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture, and occasionally let for hire, can be procured within his jurisdiction. But all police officers are strictly forbidden, under pain of dismission from office, (under the rules prescribed by Regulation V, 1804,) (d) on applications of the above nature, to compel any persons not accustomed to act as bearers, coolies, or boatmen, to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts, kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture. Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first police station in the next zillah, through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. The police officers are further enjoined to be careful, that a proper compensation for the bearers, coolies, boatmen, carts, or bullocks, em-

Police officers are empowered, in cases of necessity, to assist travellers in prosecuting their route.

In what manner such assistance shall be afforded.

Persons and carts, and bullocks, of certain descriptions, not to be employed in furnishing such assistance.
Penalty for a breach of the above rule.

Persons employed, under this section, to be at liberty to return from the first police station in the next zillah, unless they may have engaged to the contrary.

(c) See the preceding note.

(d) And by Regulation VIII, 1809, and Regulation XVII, 1816, Section VII.

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ployed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto. For this purpose, the police officers are authorized to adjust the rate of hire to be paid for the bearers, coolies, boatmen, carts, or bullocks, required, and the price of any articles provided; as well as to demand, that the whole, or a part, according to the circumstances of the case, be paid in advance. Should any traveller refuse to comply with the adjustment or demand so made by a police officer, he will not be entitled to any assistance from the officers of government under this Regulation.

On what conditions assistance will be afforded to travellers.

IX. *First.* The rules contained in the following clauses, which have been already established in the province of Benares, by Sections LXVIII and LXXII, Regulation XXII, 1795, are hereby extended, with amendments, to the whole of the territories under this presidency.

Prohibition against private servants appearing dressed like sepoys and lascars, with certain exceptions.

Second. All persons, whether European or native, within the Company's provinces (excepting such privileged persons as the government may specially exempt from the operation of the rule contained in this section) are positively forbidden to dress any of their servants, either for the purpose of parade or of business, in the uniform of the Company's sepoys and lascars, or in a dress so nearly approaching to that uniform, as to enable the persons wearing it to impose themselves on the country people for sepoys and lascars.

The above rule extended to all natives, with certain exceptions.

Third. All natives, excepting those actually in the military service of the Company, or belonging to persons specially exempted by government from the operation of this rule, are forbidden to wear a dress similar to that mentioned in the foregoing clause.

Officers of every description not to clothe their public servants with a military dress.

Fourth. Officers of every description, employed in the service of the Company, who are allowed establishments of burkundazes, peons, and pykes, in their official capacity, or who may have occasion to employ persons of any of those descriptions, in such capacity, are prohibited from clothing them with a military dress.

Native officers, with certain exceptions, forbidden to wear the military dress, except when employed in the public service.

Fifth. Native officers and sepoys, excepting subadars, jemadars, and serangs, even though in the service of the Company, who may temporarily reside or have occasion to travel in the interior parts of the country, unless employed on the public service, are forbidden to wear their uniform coats.

What officers are empowered to deprive of a military dress any person who shall wear it in opposition to these orders.

Sixth. With the view of giving full effect to the orders contained in the preceding clauses, the military commanding officers of stations, and of detachments, in the interior parts of the country, and the several zillah and city magistrates, are hereby authorized and required, to deprive of a military dress any person who shall wear it contrary to these orders; (unless it shall appear, that such person is in the military service of the Company;) in which case he shall be sent to the corps to which he may belong, with a written complaint against him. The local officers of police are also

Police officers to apprehend and send to the ma-

empowered

empowered and directed to apprehend all persons of the above description, and to send them to the magistrate, who will deal with them in the manner above prescribed.

gistrate, persons of the above description.

Seventh. Military officers, or other persons, to whom escorts may be allowed, when travelling through the country by land, or proceeding by water, are forbidden to send sepoys or lascars into the villages, for the purpose of procuring any sort of provisions, or of pressing bearers, coolies, or boatmen. Every local officer of police, upon proper application, will, under Section VIII, of this Regulation, grant such assistance as he may be able to afford; and all violent measures, therefore, will be considered equally illegal and unnecessary.

All persons to whom escorts may be allowed, are forbidden to send sepoys or lascars into the villages, to procure provisions, or to press bearers, coolies or boatmen.

Eighth. No person shall be allowed to distinguish his burkundauzes, peons, pykes, or other servants, with badges, except the public officers (civil or military) employed in the service of the Company, who are allowed establishments of burkundauzes, peons, or pykes, in their official capacity, or who may have occasion to employ persons of those descriptions, in the public service. The several zillah and city magistrates are empowered and directed to apprehend any person, (not being in the service of a public officer of the government, authorized to entertain such servants) who shall wear a badge, in opposition to the prohibition contained in this clause, and to deprive him of the badge. The local officers of police are also authorized and directed to apprehend persons of the above description, and to send them to the magistrate, by whom the offender will be dealt with as above directed. Any European, not being a public officer of the government to whom any of such descriptions of public servants are allowed, employing badged peons, or other descriptions of servants wearing badges, contrary to this prohibition, will be liable to the severe displeasure of government, on representation of the circumtances of the case by the magistrate, who is directed to report all such instances, for the information and orders of the Governor General in Council.

No person excepting the public officers of government, to distinguish his servants with badges.

The magistrates to apprehend and deprive persons of their badges who shall wear badges contrary to the above prohibition.

The police officers to apprehend persons of the above description and send them to the magistrate.

The magistrates to report to government every instance of any European not being a public officer employing servants with badges.

X. *First.* The rules contained in the following clauses, which have been already established in the ceded and conquered provinces by Clauses Fifth and Sixth, Section XIV, Regulation VIII, 1805, are hereby declared to be in force throughout the rest of the Company's territories under this presidency.

Provision for the trial and punishment of military guards in charge of convicts by martial law, in certain cases.

Second. Provision is made by Section VI, Regulation II, 1799, for the punishment of guards in charge of convicts who may have escaped, and, in certain cases, for committing or holding such guards to bail for trial before the court of circuit. This provision is extended to guards in charge of prisoners who may escape from their custody, whether before or after conviction; but shall not be considered applicable to military guards from the provincial battalions, (while such battalions continue subject to military law) or from any regular corps of the army. Whenever it shall appear to the magistrate, that a guard furnished from any of the regular battalions,

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from any provincial battalion, or from any other corps subject to martial law, has been guilty of wilful neglect in guarding the prisoners under his charge, or of connivance at the escape, or the attempt to escape, of any prisoner, or of any other act of a criminal nature, in the discharge of his duty, the magistrate shall cause the offender to be delivered over to the officer commanding the provincial battalion, or the detachment to which he may belong, with a charge in writing, that he may be tried, and punished, on conviction, by a court martial.

The foregoing rule not applicable to charges against such guards, which are cognizable in the civil courts.

Third. The mode of proceeding against military guards, directed in the preceding clause, shall be observed, with respect to any other offence involving a breach of military duty, and properly cognizable by courts martial, but shall not be held applicable to any criminal charge against such guards or other sepoys, whether belonging to the provincial battalions or regular corps of the army, which may not involve a breach of military duty and the cognizance of which may therefore appertain to the civil courts.

Measures to be adopted by the magistrates and collectors for promulgating this Regulation.

XI. On receiving translations in the country languages, of the present Regulation, the magistrates of the several zillahs and cities shall transmit copies to the local officers of police; and the collectors shall furnish copies to the principal landholders, farmers, tehseeldars, and managers of estates, within their respective jurisdictions; with directions to publish and exhibit the same in their cutcherries, for general information.

XII. *First.* The following rule, contained in Section XXXI, Regulation VIII, 1805, for the ceded and conquered provinces, is hereby extended to the remainder of the Company's territories under this presidency.

Rules to be observed by the judges and magistrates, for the purpose of promulgating the Regulations.

Second. On receipt of translations of the Regulations in the country languages, the zillah and city judges and magistrates shall cause the same to be publicly read in their cutcherries; and shall require the native pleaders of their respective courts to take copies of the translations of any Regulations which relate, directly or indirectly, to the administration of civil justice. The judges shall also cause the copies, which, by Section X, Regulation XXXIX, 1793, (extended to Benares by Regulation XLIX, 1795) they are required to furnish to the cauzees stationed in the several towns and purgunnahs within their respective jurisdictions, to be read and published, for general information, at the cutcherries of the native commissioners, empowered to act as munsiffs, and of the police darogahs, *or tehseeldars in charge of the police.* (e)

Rules for the guidance of the civil officers in applying for guards and detach-

XIII. It being necessary, in consequence of the reduction of the provincial battalions in the upper provinces, that rules should be established for the guidance of the

(e) The tehseeldarry system of police has been abolished by Regulation XIV, 1807, Sections II and III.

the magistrates, and of the other civil officers in the several zillahs, in applying for guards or detachments from the regular corps, for the support of the police, or for other duties connected with their public situations; and likewise for the guidance of the military officers commanding the corps, from which such guards or detachments are to be furnished; the following rules have been accordingly enacted.

ments from the regular corps of the army, and for the guidance of the military officers commanding corps in such cases.

XIV. *First.* Whenever the magistrates may require detachments of troops from the regular battalions, for the apprehension of public offenders, or for the maintenance of the peace in their respective districts, they shall state in writing, as fully and circumstantially as may be practicable, the nature of the service required to be performed, to the officer commanding the corps or companies, from which the detachment is to be furnished; leaving it to the commanding officer, on a consideration of the circumstances stated, to judge of the strength of the force which should be employed in the execution of the duty in question.

Applications to be made in writing, stating the service to be performed, and military officers to determine the force requisite for such service.

Second. The power vested in the several magistrates by the foregoing rule, being founded upon the nature and exigency of the case, which may frequently require promptitude and decision, and will seldom admit of a reference to government; it shall be the duty of officers commanding corps and detachments, immediately to furnish the necessary military aid, whenever applications may be regularly and publicly made to them by the magistrates, for troops, for the maintenance of the peace, or for the support of the general police of the country. By those means, the responsibility of calling in the aid of the military, will rest with the civil magistrates; and the allotment of the force will depend upon the officers commanding troops; who are not, however, on occasions of this nature, to exercise any discretion in granting or withholding the required aid. But as it is, at the same time, essential to restrict the employment of military force to cases of absolute necessity, the magistrates are hereby enjoined to confine their requisitions for military force, to cases of that description, and to report to government, whenever they may apply for military aid, under the rule contained in this section; at the same time, furnishing the Governor General in Council, with the necessary information respecting the circumstances upon which the application for such aid may have been grounded.

Civil magistrates responsible for calling in the aid of the military, in case of emergency, and military officers not to exercise any discretion in granting or withholding such aid.

Report to be made to government by the magistrates.

Third. The officers commanding troops, by whom such detachments may be furnished, in pursuance of the applications of the magistrates, shall immediately transmit the necessary reports thereof to the commander in chief.

Military officers to report their compliance with such applications, to the commander in chief.

XV. *First.* The permanent guards required by the magistrates, by the collectors of the land revenue and customs, by the commercial residents, and by any other public officers authorized to require such guards for the protection of the public treasuries, stores, or other property, shall be in future furnished in the ceded and conquered provinces from the regular battalions. The civil officers requiring permanent guards, shall accordingly state fully and circumstantially, the nature of the service

Rules for supplying the permanent guards required by the several civil officers.

necessary

necessary to be performed, to the officer commanding the corps from which the guards are to be furnished. On receipt of such information, the commanding officer shall furnish guards of such strength as he may deem necessary; provided that no public objection shall occur to a compliance with the application, and that he shall be satisfied, that the civil officer from whom the application may have been received, was entitled to make it by the general rules and usages of the service. But as the same necessity does not exist for vesting the magistrates and other public officers, in cases of this nature, with the extensive powers entrusted to the magistrates in the cases described in Section XIV, of the present Regulation, the commanding officer shall be at liberty, in case he shall deem it necessary or proper on any public grounds, to suspend compliance with the application, and to refer the case to the commander in chief, who will forward the representation to government for its decision, or pass such orders on the subject as may appear to him to be proper. With the view likewise of preventing abuse of the powers vested in the civil officers, in applying for guards from the regular battalions, the magistrates and other officers in the judicial department shall, on the receipt of the present Regulation, transmit to the Governor General in Council, a statement of the permanent guards employed or required by them, for his consideration and orders. In like manner, the officers in the revenue and commercial departments shall transmit to the Board of Revenue, (*f*) and Board of Trade, (*g*) a statement of the permanent guards required by them in the discharge of the duties of their respective offices; and the Board of Revenue, (*f*) and Board of Trade, (*g*) shall forward the statements required from the officers acting under their authority, with any remarks which they may deem necessary for the consideration and orders of government.

Permanent guards not to be encreased without the previous sanction of government.

Second. When the permanent guards required by the different officers in the civil department of the service shall have been fixed under the rule contained in the preceding section, no augmentation shall be made in the number or strength of such guards without the express sanction of the Governor General in Council.

Rules for supplying civil officers with temporary escorts.

XVI. The temporary escorts which may in future be required by the magistrates, by the collectors of the land revenue and customs, by the commercial residents, and by any other public officers authorized to require military aid, for the remittance of treasure, of stores, or of other public property; or for other purposes connected with their respective official situations, are in future to be furnished in the upper provinces, from the regular battalions. The civil officer requiring any such escort, is accordingly to state fully and circumstantially, the nature of the service necessary to

(*f*) See the note to Section V, Clause II, of this Regulation.

(*g*) To the Board of Commissioners and Commissioner in Behar and Benares respectively, as far as relates to the customs in the Upper Provinces and in the province of Benares and that portion of the province of Behar comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot. See Regulations X and XI, 1807, and I, 1809, and Regulation I, 1816.

be

be performed, to the officer commanding the corps, from which the required escort is to be furnished. On receipt of such information, the commanding officer shall furnish an escort of such strength, as he may deem necessary, for the performance of the duty in question; provided that no substantial public objection shall occur to a compliance with the application, and that he shall be satisfied, that the civil officer from whom the application may have been received, was entitled to make it by the general rules and usages of the service. But if not, the commanding officer shall be at liberty to suspend compliance with the application, and to refer the case to the commander in chief, who will forward the representation to government for its decision, or pass such orders on the subject as may appear to be proper.

Civil officers in the judicial, revenue, and commercial departments, to send monthly statements of guards, detachments, and escorts, employed by them, to government, the Boards of Revenue and Trade respectively.

XVII. It shall be the duty of the magistrates and other officers in the judicial department to transmit to government, on the first of each month, a statement of the guards, detachments, and escorts employed by them in the preceding month. The collectors, commercial residents and other officers in the revenue and commercial departments, shall in like manner transmit to the Board of Revenue (*h*) and Board of Trade, (*i*) on the first of each month, a statement of the guards, detachments, and escorts employed by those officers respectively in the preceding month; and the Board of Revenue (*h*) and Board of Trade (*i*) are hereby required to report to government, whenever they may be of opinion, that the guards, detachments, or escorts employed by the officers subject to their control, were not requisite for the public service.

The foregoing rules framed chiefly with reference to the ceded and conquered provinces.

Similar rules to be observed by the civil and military officers in the lower provinces in cases wherein the former may have occasion to apply for military aid.

XVIII. The foregoing rules have been framed, chiefly with a reference to the ceded and conquered provinces, in which the military duties connected with the offices of the magistrates, collectors, and other public officers in the civil branch of the service, are to be performed by the men of the regular corps. Provincial battalions having been established in the provinces of Bengal, Behar, Orissa, and Benares, for the discharge of those duties, it can seldom, if ever, be necessary for the magistrates, collectors, and other civil officers in those provinces to apply for guards or detachments from the regular battalions. Should any emergency, however, at any time occur, to render the services of the regular corps necessary for the maintenance of the internal peace of the country, or for any other public duty connected with the situations of the magistrates or other civil officers; those officers, and likewise the officers commanding corps and detachments in the provinces of Bengal, Behar, Orissa, and Benares, are to conform to the rules contained in Sections XIV, XV and XVI, of the present Regulation.

The foregoing rules not applicable to the presidency station; applica-

XIX. The foregoing rules are not to be considered applicable to the presidency station. Whenever guards, detachments, or escorts may be required by the magis-

(*h*) See the Note to Section V, Clause II, of this Regulation.

(*i*) See the Note to Section XV, Clause I, of this Regulation.

trates

tions for guards, &c. in Calcutta or its vicinity, how to be made.

trates of Calcutta, and of its vicinity, or by any of the other civil officers, for the discharge of any public duty connected with their respective official situations, they are to make the necessary application for that purpose, agreeably to former usage, to the Governor General in Council, through the channel prescribed for conducting the public correspondence.

Restriction contained in Clause I, Section XXII, Regulation I, 1804, annulled, and native commissioned and non-commissioned officers transferred to the invalid jagheerdar establishment, entitled to the reduced pay of their rank at the established rates.

XX. *(j) By Clause First, Section XXII, Regulation I, 1804, it is enacted, that all native commissioned, and non-commissioned officers, who may be transferred to the invalid jagheerdar establishment, shall not be considered to be entitled to the reduced pay of their rank, nor to any other pecuniary allowance from government. With the view of promoting the convenience and happiness of the native commissioned and non-commissioned officers, who may be transferred to that establishment, the above restriction is hereby annulled; and such officers shall in future be entitled to the reduced pay of their rank, at the established rates, in addition to the benefits which they derive from the lands assigned to them.*

(j) Rescinded by Regulation II, 1811, Section II.

A. D. 1806. REGULATION XII.

A REGULATION *for annexing the purgunnahs of* Sonk, Sonsa, *and* Sahar, *situated on the right bank of the river Jumna, to the jurisdiction of the zillah of Agra, and for extending to those purgunnahs, the Laws and Regulations established for the internal government of the ceded and conquered provinces.*—PASSED *by the Governor General in Council, on the 3d of July 1806; corresponding with the 21st Assar 1213 Bengal era; the 3d Sawun 1213 Fusly; the 21st Assar 1213 Willaity; the 2d Sawun 1863 Sumbut; and the 10th Rubbee-us sanee 1221 Higeree.*

Preamble.

WHEREAS the purgunnahs of Sonk, Sonsa, and Sahar, forming part of the territories situated on the right bank of the Jumna, which were ceded to the Honorable the English East India Company by the treaty concluded with Dowlut Rao Scindia on the 30th December 1803, but were subsequently given up to the Rajah of Bhurtpore, have been since resumed, and become finally annexed to the Company's territories, in pursuance of the treaty concluded with the Rajah of Bhurtpore, under date the 17th of April 1805, the following rules are enacted for the government of the said purgunnahs.

Sonk, Sonsa, and Sahar, to be annexed to zillah Agra.

II. The purgunnahs of Sonk, Sonsa, and Sahar, shall be annexed to the jurisdiction of the zillah of Agra.

Regulations IX, 1804, VIII, IX and XI, 1805, with such other Regulations as have been or may be enacted for the conquered provinces, declared to be in force in the above purgunnahs. Periods for the operation of the said Regulations, with certain exceptions, declared applicable to the said purgunnahs.

III. Regulations IX, 1804, VIII, IX and XI, 1805, and the several Regulations therein referred to, together with such other Regulations applicable to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, as have been or may be hereafter enacted, shall be in force in the purgunnahs mentioned in the foregoing section, and the periods prescribed for the operation of the said Regulations in the conquered provinces, (with the exceptions hereafter specified), are hereby declared to be applicable to the purgunnahs aforesaid.

The 17th of April 1805, to be considered the period of limitation for taking cognizance of offences committed in the said purgunnahs.

Persons convicted of offences committed in the said purgunnahs, between the 17th April 1805, and the date of this Regulation, to be subject to the rules in Section XI, Regulation IX, 1804.

The 17th of April 1806, to be considered the period of limitation for taking cognizance of civil suits in those purgunnahs.

IV. Instead of the date specified in Section XI, Regulation IX, 1804, the 17th of April 1805, being the date of the treaty concluded with the Rajah of Bhurtpore, shall be considered the period of limitation for taking cognizance of crimes and offences committed in the purgunnahs mentioned in Section II. Persons convicted of crimes or offences, committed in the said purgunnahs, between the 17th of April 1805, and the date of the promulgation of this Regulation, shall be subject to the rules provided in similar cases in the conquered provinces, by Section XI, Regulation IX, 1804. In like manner the 17th of April 1805, shall be considered the period of limitation for taking cognizance of civil suits in the said purgunnahs, in lieu of the date specified in Clause Second, of Section VI, Regulation VIII, 1805.

V.

For what periods the settlement of the land revenue in those purgunnahs, is to be concluded.

V. Instead of the periods prescribed by Sections III, IV and V, Regulation IX, 1805, for concluding the periodical settlements of the land revenue in the conquered provinces, the three succeeding settlements of the land revenue in the purgunnahs mentioned in Section II, shall be concluded for the following periods of time: first, for the years 1214 and 1215 Fusly; secondly, for the years 1216, 1217, and 1218 Fusly; and thirdly, for the years 1219, 1220, 1221, and 1222 Fusly; under the terms and conditions specified in the proclamation contained in Regulation IX, 1805.

Periods for the operation of Regulation XXXIV, 1803.

VI. The 17th of April 1805, shall be the date to be adopted in the purgunnahs mentioned in Section II, in lieu of the date specified in Clause First, of Section II, Regulation XXXIV, 1803; and the 1st of January 1807, shall be adopted in the said purgunnahs, in lieu of the date specified in Sections VII and VIII, of the Regulation aforesaid.

Regulation XL, 1803, not to be in force, in those purgunnahs until 1214 Fusly.

VII. Regulation XL, (k) 1803, shall not be in force in the purgunnahs mentioned in Section II, until the commencement of the year 1214 Fusly.

(k) This Regulation has been rescinded by Regulation X. 1815.

A. D. 1806. REGULATION XIII.*

A REGULATION *for more effectually providing against the offence of forging the public stamps, or stampt paper; and for preventing the sale of stampt paper without a written authority; also for explaining the existing rule respecting copies of judicial and revenue papers.*—PASSED *by the Governor General in Council, on the 10th of July 1806; corresponding with the 28th Assar 1213 Bengal era; the 10th Sawun 1213 Fusly; the 28th Assar 1213 Willaity; the 9th Sawun 1863 Sumbut; and the 22d Rubbee-us-sanee 1221 Higeree.*

Preamble.

ATTEMPTS having been made to imitate the stamps established by Regulations VI and X, 1797, VI and VII, 1800, XI, 1801, XL and XLIII, 1803, and to issue and dispose of forged stampt paper; it is necessary, for the security of the public revenue derived from stamp duties, to adopt further rules, for the purpose of more effectually preventing the fabrication and use of forged stampt paper: And, as the Mohummedan law does not prescribe any specific punishment for an offence of the above nature, it has been deemed just and expedient to define the punishment for such offence. It is also requisite to explain more fully the intention of Sections XVIII and XX, Regulation VI, 1797, and of Section XV, Regulation XLIII, 1803, respecting copies of judicial and revenue papers. The following rules have been accordingly enacted by the Governor General in Council, to be in force, from the periods of time therein specified, throughout the provinces subject to the immediate government of the presidency of Fort William.

Superintendant of stamps or such officer acting under him as may be authorized by government to endorse his official signature on the back of each piece of stampt paper.

II. After the receipt of this Regulation, the superintendant of the stamps at Calcutta, appointed under Sections XII and XIII, Regulation VI, 1797, and Section XII, Regulation XLIII, 1803, or such officer, acting under the superintendant of stamps, as may be specially authorized by government for the purpose, previously to issuing any stampt paper (with the exceptions specified in the following section) shall endorse his written official signature upon the back of each paper, and shall specify, or cause to be specified thereon the date, on which it shall be so authenticated.

Date of authentication to be endorsed.

If the superintendant of the stamps or any officer acting under him, shall issue stampt paper, in opposition to the rule established by this Section, he shall be liable to dismission from his office; and to be held responsible for the amount of the stamp duty payable upon all paper so issued by him.

Penalty for breach of this rule.

Re-capitulation of certain Regulations requiring rowannahs to be written on stampt paper.

III. It is provided by Section XXIV, Regulation VI, 1797; Sections XIV and XV, Regulation X, 1797, and Section XXII, Regulation XI, 1801, that the rowannahs therein mentioned, which may be granted by the collectors of customs, for the transportation or carriage of goods, in the provinces of Bengal, Behar, Orissa, and

* The whole of this Regulation is rescinded by Regulation I, of 1814, Section II.

Benares,

Re-capitulation of Regulations requiring the writing on stampt paper, all licenses for the manufacture or vend of spirituous liquors or intoxicating drugs, or taury.

Benares, shall be written on stampt paper. It is also provided by Section II, Regulation X, 1797, Sections VI and XI, Regulation VI, 1800, and Section XXV, Regulation XL, 1803, that all licenses, which may be granted by the collectors of the land revenue in any of the above provinces, or in the ceded and conquered provinces, for the manufacture or vend of spirituous liquors, or intoxicating drugs, or taury, shall be written on stampt paper. As such rowannahs and licenses cannot be used or issued until they shall have been previously authenticated by the signature of the collectors of the customs, or of the collectors of the land revenue, the signature of the superintendant of the stamps, or of any officer acting under him, to such documents is unnecessary and is not therefore required. It is, however, declared, that the collectors of the customs, and the collectors of the land revenue, respectively, will be held responsible for not issuing any stampt paper of either of the descriptions in question, until it shall have obtained their previous official signature.

Signature of the superintendant or of any officer acting under him, not necessary, on such rowannahs and licenses, for reason herein stated.

Collectors of customs, and of the land revenue, declared responsible for not issuing stampt paper for rowannahs or licenses without their official signature.

Collectors of the land revenue to furnish persons employed by them for the sale of stampt paper, with sunnuds in the Persian language under their official seal and signature.

IV. The collectors of the land revenue shall furnish every person at present employed by them for the disposal of stampt paper, (and whom they may continue in such employment after the receipt of this Regulation) as well as all persons who shall be hereafter appointed by them to dispose of stampt paper, with a sunnud in the Persian language, under their official seal and signature, to the following effect.

Form of sunnud, and what it is to contain.

I, A. B. collector of the land revenue of zillah————, have appointed C. D. agent for the sale of stampt paper at————within the said zillah. He is accordingly authorized and directed to dispose of the stampt paper, which may be delivered to him for that purpose, in the manner, and at the rates, prescribed by the Regulations. He is to render a faithful account of all stampt paper which may be delivered to him for sale, and of all money received by him on the disposal of it; out of which, after his accounts shall have been approved, he will be allowed the proportion fixed for his compensation. He is not to exact, or receive, any sum whatever beyond the prescribed stamp duty, under penalty of a fine to government equal to three times the amount, besides repayment of the sum so illegally received and the immediate forfeiture of this sunnud; which is moreover expressly declared to be at all times revocable by the collector of the zillah aforesaid; or by order of the Board of Revenue, or of the Governor General in Council; and is to be returned to the collector's office, whenever it may be no longer in force.

Secretary to the Board of Revenue, and any other public officer, entrusted with the disposal of stampt paper to furnish their agents with similar sunnuds, and all public officers to be careful to recal and cancel sunnuds on the death, removal, or resignation of their agents.

V. The secretary to the Board of Revenue, and any of the public officers entrusted by government with the disposal of stampt paper, shall also furnish any persons who may be employed by them, for that purpose, with a sunnud, corresponding in substance, with that prescribed in the preceding section. And all public officers empowered to grant such sunnuds, are to be careful in recalling and cancelling them, when the persons receiving them may, on any account, be removed from their employment, as agents for the sale of stampt paper; as well as in cases of death, or resignation. It is hereby further declared, that all persons receiving sunnuds under this

Agents for the sale of

this and the foregoing sections, shall be liable to prosecution in the zillah or city dewanny adawluts to which they may be amenable, for any infringement of the Regulations, or breach of trust, in the discharge of their functions as agents for the sale of stampt paper; and that on proof of their having exacted or received more than the prescribed rate of duty, in the sale of stampt paper, they shall be liable to a judgment for the penalty specified in their sunnuds.

stampt paper declared liable to prosecution in the civil courts for infringement of the Regulations or breach of trust, and to be subjected to the penalty, in their sunnuds.

VI. The collectors of the land revenue, within three months after the receipt of this Regulation, shall furnish the judges of the civil courts in their respective zillahs with a list, specifying the names of the persons appointed by them to dispose of stampt paper, and their places of residence, that the same may be affixed in a conspicuous part of the judge's cutcherry. They shall also, at all times, communicate without delay to the judges of their respective zillahs, any alterations which may occur in such appointments. The collectors shall likewise cause similar lists to be affixed in their own cutcherries, and in the principal cutcherry of each purgunnah throughout their respective jurisdictions.

Collectors to transmit to the judges of the civil courts, lists of their agents for the sale of stampt paper within three months after the receipt of this Regulation; and to communicate to them any alterations in those appointments; such lists to be affixed to the cutcherries of the judges; and the collectors to affix similar lists in their own cutcherries.

VII. Such part of clause second, Section XIV, Regulation XLIII, 1803, as empowers the collectors of the ceded and conquered provinces to furnish the parties in suits, or their authorized vakeels, with supplies of stampt paper, on demand, is rescinded. The collectors are required to appoint an agent for the sale of stampt paper at the courts within their respective zillahs; and the parties in suits or their authorized vakeels, (with an exception to paupers for whom provision is made by Section XVI, Regulation XLIII, 1803,) shall hereafter apply to the agents appointed by the collectors to dispose of stampt paper, for such stampt paper as they may require, in the prosecution or defence of suits depending before the civil courts, as well as in all other cases.

Part of Clause Second, Section XIV, Regulation XLIII, 1803, rescinded.

Collectors for the ceded and conquered provinces to appoint an agent for the sale of stampt paper at the civil courts in their respective zillahs, to whom persons in want of stampt paper are to apply.

VIII. After three months from the date of this Regulation, no person shall act as vender of stampt paper, (excepting the public officers authorized to dispose of it,) unless he shall have received a sunnud, as prescribed by Sections IV and V. Any person offending against this prohibition, shall be liable to the payment of a fine to government equal to ten times the amount of the price of the stampt paper sold by him; and whatever stampt paper may be found in his possession shall be forfeited to government. The penalty in such cases as well as in all other cases for which a penalty is prescribed by this Regulation, shall be recoverable by a summary process, in the zillah and city courts of dewanny adawlut, to be conducted by the vakeel of government; and if any information shall have been given to the collector whereby this illegal act may have been discovered, a moiety of the fine shall be given to the informer. The judge of the court, in which the suit may be instituted, is authorized however, to reduce the fine, in particular cases, if it appear too heavy, on consideration of the circumstances of the party, or the nature of the case; and whenever a fine may be imposed under this

After three months from the promulgation of this Regulation, no person to vend stampt paper without a sunnud.

Exception.

Penalty for breach of this prohibition.

By what process the penalty is recoverable.

A moiety of the penalty to be paid to the informer.

Judges of the civil courts, authorized to reduce the amount of the penalty in particular cases.

Period of imprisonment not exceeding six months, to be fixed, in default of the penalty not being paid or recovered.

this section, an equivalent period of imprisonment, not exceeding six months, is to be fixed in the event of the fine not being paid, or recovered from the property of the offender; as required by Section III, Regulation XIV, 1797; and Section XXXI, Regulation VI, 1803.

All stampt paper sold by the collectors, their assistants or any persons employed by them to be endorsed "sold," in one of the native languages; with the date on which it may be so authenticated.

IX. All stampt paper which may be sold, after the receipt and promulgation of this Regulation, by the collectors of the revenue, or by any other public officers authorized to dispose of stampt paper, or by their assistants, (being covenanted civil servants of the Company,) selling the same under their authority, or by any persons employed on the part of the collectors, or other public officers, to dispose of stampt paper, shall be attested by the written signature of the person selling such paper, to be endorsed on the back of each paper with the word "sold," or an expression of the same import, in one of the country languages; and the date on which it may be so authenticated. Any person appointed to dispose of stampt paper, who shall vend any such paper, after the receipt and promulgation of this Regulation, without the authentication herein prescribed, shall be liable to dismission from his office, and to the payment of a penalty to government recoverable in the dewanny adawlut under the provisions of Section VIII, equal to ten times the price of any stampt paper sold by him, in opposition to the prohibition contained in this section.

Penalty for the breach of this rule.

Nature and amount of penalty and how recoverable.

After the expiration of a year from the date of this Regulation all instruments, with certain exceptions to be written on stampt paper, authenticated in the manner prescribed in Sections II and IX, of this Regulation.

X. Every pleading, petition, deed, instrument, or other document (with an exception of the rowannahs and licenses specified in Section III), required by the Regulations now in force to be written on stampt paper, is required, after the expiration of one year from the date of this Regulation, to be written on the prescribed stampt paper, authenticated in the manner directed by Sections II and IX of this Regulation, any such document (with the exception noticed) which, after the period specified, may be written or executed on any other than the prescribed stampt paper, authenticated as directed in Sections II and IX, shall be considered as not written or executed on the stampt paper prescribed by the Regulations.

Documents not written on stampt paper so signed after the specified period (with the exception noticed) not to be considered as written on the prescribed stampt paper.

Stampt paper already issued to the collectors and not disposed of, to be returned to the superintendant for the purpose of being authenticated.

XI. Stampt paper already issued by the superintendant of the stamps, to which the written authentication of that officer is required, under Section II of this Regulation, and which shall not have been disposed of by the collectors of the land revenue, or by the agents appointed by them, before the expiration of the period specified in the foregoing section, shall be returned by the collectors to the superintendant of stamps at Calcutta, for the purpose of being authenticated in the manner directed. The collectors shall be careful, in the mean time, to procure from the superintendant a sufficient supply of stampt paper, authenticated as directed in Section II, within the period of one year from the date of this Regulation.

Collectors in the mean time to be careful to procure a proper supply of the authenticated paper.

XII.

XII. It has been already declared in Section XXX, Regulation VI, 1797, and Section XXIV, Regulation XLIII, 1803, that persons charged with forging the stamps or disposing of or using forged stamp paper knowing the same to be forged, shall be liable to commitment and trial before the court of circuit, and to such punishment as the law may direct. It is hereby further declared, that if any person shall be charged with forging a stamp, or stamps, in imitation of any stamp or stamps, established by the Regulations; or of disposing of or using, the same, or of having such forged stamp or stamps in his possession; knowing the same to be forged: or of disposing of, issuing, or using, or of having in his possession, forged stampt paper, knowing the same to be forged; and the magistrate, before whom the charge is preferred, shall be of opinion, that there are sufficient grounds for believing such charge to be well founded; the person so charged shall be held to bail, or, in the event of his not giving good and sufficient bail, shall be kept in close custody, to be tried before the court of circuit of the division, and if duly convicted before that court, or in cases of reference to the Nizamut Adawlut, before the latter court, the offender so convicted shall be liable to a sentence of corporal punishment not exceeding thirty nine stripes with the corah, and to imprisonment and hard labor for seven years. The offender will also be liable to banishment during the period of his imprisonment to such other zillah as the court of Nizamut Adawlut may direct; under the discretion vested in that court by Clause Second, of Section VIII, Regulation LIII, 1803.

Re-capitulation of Section XXX, Regulation VI, 1797, and Section XXIV, Regulation XLIII, 1803.

Further provision for the punishment of persons convicted of forging stamps; or disposing of or using the same; or of having in their possession forged stamps knowing the same to be forged; or disposing of, issuing or using, or having in their possession forged stampt paper.

Penalties on conviction of offenders.

XIII. In addition to the explanation contained in Sections XVIII and XXV, Regulation VII, 1800, and in Clause Fourth, of Section XV, Regulation XLIII, 1803; it is hereby declared, that nothing in the existing Regulations which direct the use of stampt paper for copies of judicial or revenue papers, furnished to parties or their vakeels at their application, or in consequence of any Regulation requiring them to take such copies, is meant to preclude individuals from making for their private use, and at their own expense, copies of judicial or revenue papers, with the permission of the court, collector, or other officer having charge thereof, on any paper they may prefer. But if such copies be not made on stampt paper, they shall not be authenticated by the seal or signature of any court, collector, or other public officer, nor be receivable as evidence, in any court of justice, or in any public office whatever.

Declaring that nothing in the Regulations, which direct the use of stampt paper for copies of judicial papers is meant to preclude individuals from making copies of any paper for their private use with the permission of the court, collector, or other officer.

A. D. 1806. REGULATION XIV.

A REGULATION *for abolishing the Court of Dewanny Adawlut of the zillah of the northern division of Saharunpore; and for incorporating the jurisdiction of that court, with the civil jurisdiction of the court established in the southern division of Saharunpore.*—PASSED *by the Governor General in Council, on the 23d of July 1806; corresponding with the 9th Sawun 1213 Bengal era; the 23d Sawun 1213 Fusly; the 9th Sawun 1213 Willaity; the 8th Sawun 1863 Sumbut; and the 6th Jemaud-ul-awul 1221 Higeree.*

WHEREAS the northern and southern divisions of Saharunpore at present constitute two distinct zillahs; and whereas from the limited extent of the northern division, a separate court of civil jurisdiction is unnecessary in that division; and whereas it may hereafter be judged advisable, likewise to incorporate the criminal jurisdiction of the zillahs; the following rules have been enacted, to be in force from the time of their promulgation. (*l*) Preamble.

II. Such parts of Clause First, of Section III, Regulation VIII. 1805, and of any other provisions in the existing Regulations as declare, that the northern and southern divisions of Saharunpore shall constitute two distinct civil jurisdictions, are hereby rescinded. Parts of Clause First, Section III, Regulation VIII, 1805, rescinded.

III. The separate jurisdiction of the dewanny adawlut of the northern division of Saharunpore, shall be abolished from the period of the promulgation of this Regulation, and the jurisdiction of that court shall be incorporated with the jurisdiction of the dewanny adawlut of the southern division of Saharunpore. All papers and records relative to causes depending in the former court, shall be accordingly transmitted to the judge of the southern division of Saharunpore. All papers and records likewise relating to decided causes, shall be transmitted to the judge of the dewanny adawlut of the southern division of Saharunpore. Separate jurisdiction of the dewanny adawlut of the northern division of Saharunpore abolished, and the jurisdiction incorporated with the southern division of that district.

IV. The northern division of Saharunpore shall for the present constitute a separate criminal jurisdiction; and the authority of the magistrate of that zillah shall extend to all the mohauls at present comprised in the northern division of Saharunpore, with the same powers as have hitherto been exercised by the magistrate of that zillah. Northern division of Saharunpore to constitute a separate criminal jurisdiction, and the authority of the magistrate to extend to all the mohauls at present comprised in that zillah.
The Governor General in Council, however, reserves to himself the power of abolish- Power reserved to government of abolishing

(*l*) There is at present only one zillah of the denomination of Saharunpore. What has become of the separate criminal jurisdiction of the northern division of Saharunpore, does not appear by any Regulation hitherto passed: the zillah of Merut may have been constituted in the room of the northern division of Saharunpore, possessing both civil and criminal jurisdiction.

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the separate criminal jurisdiction of the abovementioned division, whenever such measure shall appear advisable.

ing the separate criminal jurisdiction of the northern division of Saharunpore, and of incorporating it with the other division of Saharunpore, whenever it shall appear to government to be advisable to adopt that measure.

A. D. 1806. REGULATION XV.

A REGULATION *for the amendment of certain parts of the provisions contained in Clauses Second and Third, Section II, Regulation II,* 1796 ; *and Clauses Second and Third, Section XIX, Regulation VI,* 1803 ; *and of the rule contained in Section VII, Regulation V,* 1799.—PASSED *by the Governor General in Council, on the 24th of July* 1806 ; *corresponding with the* 10*th Sawun* 1213 *Bengal era ; the 24th Sawun* 1213 *Fusly ; the* 10*th Sawun* 1213 *Willaity ; the 9th Sawun* 1863 *Sumbut ; and the* 7*th Jemaud-ul -awul* 1221 *Higeree.*

Preamble.

WHEREAS it is advisable, that the Governor General in Council should be regularly informed of any offences of a criminal nature, committed by European British subjects residing in the interior of the country ; and whereas it has been deemed expedient to modify certain parts of the provisions contained in Clauses Second and Third, Section II, Regulation II, 1796 ; and in Clauses Second and Third, Section XIX, Regulation VI, 1803 ; and also of the rule contained in Section VII, Regulation V, 1799 ; the following rules have been enacted, to be in force from the period of their promulgation throughout the territories subject to the immediate government of the presidency of Fort William. (*m*)

Cases in which magistrates are to transmit to the clerk of the crown and to government, depositions and translations of papers respecting European British subjects held to bail or committed to the jail of Calcutta.

II. Whenever a zillah or city magistrate, who shall have taken the oaths of qualification as a justice of the peace, shall hold any British European subject to bail, or shall deem it necessary to commit any such person to the jail of Calcutta, to take his trial before the Supreme Court of Judicature for any offence of a criminal nature ; the magistrate shall transmit the original depositions taken on the occasion, (together with translations of any papers not being in the English language) to the clerk of the crown. The magistrate shall likewise transmit copies of the said depositions, (together with translations of any papers not being in the English language) to the secretary to the government in the judicial department, for the information of the Governor General in Council ; who, in cases in which he shall consider it to be necessary from the aggravated nature of the offence charged against the person accused, or on any other substantial ground, will order the prosecution to be conducted by the law officers of government, and at the public expense.

Cases in which magistrates are to send accused persons of the above description with the witnesses to His Majesty's justices of the peace at Calcutta.

III. Whenever an European British subject shall be charged before a zillah or city magistrate, who has not taken the oaths of qualification as a justice of the peace with a criminal offence which according to the law of England may not be bailable ;

(*m*) See the Act 53, Geo. III, Cap. 155, Sections 103 and 105, relative to misdemeanors committed by British subjects.—Also the Circular Orders of the Nizamut Adawlut, new edition, pages 37 and 39, Nos. 1 and 2, Head—EUROPEANS, on the same subject.

and

and the magistrate, after making the necessary enquiry on the subject, shall be of opinion, that there are grounds for bringing the person accused to trial before the Supreme Court of Judicature, the magistrate shall send the person accused, under safe custody to His Majesty's justices of the peace at the police office in Calcutta, accompanied by the witnesses against the prisoner; with a letter, stating the nature of the case, and requesting that the justices at Calcutta will take the necessary measures for bringing the person accused to trial before the Supreme Court of Judicature. The magistrate by whom the prisoner may be sent to Calcutta, shall at the same time, transmit a copy of all the proceedings held on the occasion, (together with translations of any papers not being in the English language) to the secretary to the government in the judicial department, to enable the Governor General in Council to determine, whether the prosecution should be undertaken by the law officers of government, and at the public expense, or otherwise.

Proceedings and translation of papers to be forwarded to government.

Parts of Section II, Regulation II, 1796, and of Section XIX, Regulation VI, 1803, superseded.

IV. The foregoing rule of course supersedes such part of Section II, Regulation II, 1796, and of Section XIX, Regulation VI, 1803, which directs, "that a "report of the case shall be made at the same time to the court of Nizamut Adawlut, who, on the arrival of the accused at the presidency, are to instruct the Company's attorney, to take the necessary measures for his commitment and trial at "the ensuing sessions."

V. Whenever any person shall charge an European British subject before a magistrate, who has not taken the oaths of qualification as a justice of the peace, with a bailable offence, it shall be the duty of the magistrate to explain to the complainant the course which he should pursue, for the purpose of obtaining redress, that is, by application to the justices of the peace at Calcutta or to the grand jury. It shall likewise be the duty of the magistrate, after calling upon the person accused for his reply to the complaint, to report the case to the Governor General in Council; at the same time, stating, on a consideration of the distance at which the parties may reside from the presidency, of the poverty of the complainant or of other circumstances, whether it would, in the opinion of the magistrate be proper, that the expense of the prosecution should be defrayed by government. The Governor General in Council, on receipt of such report, will pass such orders on the subject as may appear to him to be advisable; and will at the same time direct, in cases which may appear to require it, that the prosecution shall be conducted by the law officers of the Company.

Section VII, Regulation V, 1799, modified.

VI. Section VII, Regulation V, 1799, prescribes rules for the guidance of the zillah and city judges, with respect to the charge of the unclaimed assets of estates of Europeans dying intestate. It being however enacted, in Statute XXXIX, George IIId. Chapter 79, Section 21, that whenever any British subject shall die intestate, and neither a creditor, nor the next of kin shall apply for letters of administration,

nistration, the register of the Supreme Court shall administer to the estate of the deceased; it shall be the duty of the zillah and city judges, whenever any British European subject shall die within the limits of their jurisdictions, and no will shall be found among the effects of the deceased, to report the circumstance without delay to the register of the Supreme Court of Judicature, retaining the property under their charge, until letters of administration shall have been obtained by that officer, or by some other person from the Supreme Court of Judicature, when the property is to be delivered over to the person obtaining such letters; or, in the event of a will being subsequently discovered, to the person, who may obtain probate of the will.

Judges to report to the register of the Supreme Court respecting estates of deceased British European subjects; retaining in the mean time the property under their charge.

A. D. 1806. REGULATION XVI.

A REGULATION *for defining the form of address to be observed by the public officers of Government in making applications to the members of the family of His Highness the Nuwaub Naussur-ul-Moolk, the Nazim of Bengal.*—PASSED *by the Governor General in Council, on the 4th of September 1806; corresponding with the 20th Bhadoon 1213 Bengal era; the 6th Bhadoon 1213 Fusly; the 20th Bhadoon 1213 Willaity; the 6th Bhadoon 1863 Sumbut; and the 20th Jemaud-us sanee 1221 Higeree.*

Preamble.

WHEREAS Regulation XIX, 1805, contains a specific form of address to be observed by the public officers of government in making applications of an official nature to His Highness the Nuwaub of Bengal; and whereas it is necessary that established forms of address should likewise be observed by such officers in making similar applications to any of the other members of the Nuwaub's family; the following rules have been enacted, to be in force from the period of the promulgation of this Regulation.

Prescribed forms to be observed in addressing letters to the Munnee Begum and Bubboo Begum.

II. The forms prescribed in the Persian transcript of this Regulation, shall be observed, whenever any of the public officers of government may have occasion to address letters to the Munnee Begum and Bubboo Begum.

Public officers to apply to the superintendant of the nizamut affairs for proper forms of address.

III. Whenever any of the public officers may have occasion to address any of the other branches of the Nuwaub's family, they are required to apply to the superintendant of the nizamut affairs for the proper form of address.

All applications to the members of the Nuwaub's family, to be made through the channel of the superintendant of the nizamut affairs.

IV. It is already prescribed that all applications which may be made to His Highness the Nuwaub, shall be transmitted through the channel of the superintendant of nizamut affairs. In like manner, all applications, which may be made to the other members of the Nuwaub's family, shall be forwarded through the channel of that officer.

All letters to be sent through the prescribed channel under an open envelope bearing the private seal of the writer, or his name written in Persian.

V. In order to obviate any doubt or misconstruction respecting the intent of the rule contained in Section IV, of the above mentioned Regulation; it is hereby explained, that all letters addressed to the Nuwaub himself, or to any other branch of His Highness's family, shall be sent through the channel already prescribed, under an open envelope, bearing the private seal of the writer, or his name written in the Persian character.

A. D. 1806. REGULATION XVII.

A REGULATION *for extending to the province of Benares, the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV, 1793; also for a general extension of the period fixed by Regulations I, 1798, and XXXIV, 1803, for the redemption of mortgages and conditional sales of land, under deeds of Bye-bil-wuffa, Kut-Cubaleh, or other similar designation.*—PASSED *by the Governor General in Council, on the 11th of September 1806; corresponding with the 27th Bhadoon 1213 Bengal era; the 13th Bhadoon 1213 Fusly; the 27th Bhadoon 1213 Willaity; the 14th Bhadoon 1863 Sumbut; and the 27th Jemaud-us-sanee 1221 Higeree.*

THE rules prescribed by Regulation I, 1798, for preventing fraud and injustice in conditional sales of land, under deeds of bye-bil-wuffa, or other deeds of the same nature, were declared to extend to Benares, as well as to the provinces of Bengal, Behar and Orissa; and, under the terms of Section II, of that Regulation, might be considered, from the time of its publication, to have established the general limitation of interest at the legal rate of twelve per "cent per annum," as however the provisions relative to a limitation of interest, contained in Regulation XV, 1793, and re-enacted for the ceded and conquered provinces by Regulation XXXIV, 1803, have never been expressly extended to Benares; and as it appears that the limitation of twelve per cent per annum has not yet been considered in force within that province; it is necessary, that an express rule should be enacted for extending to Benares the same limitation of interest, and provisions connected therewith, as are in force throughout the other provinces under this presidency. It is further requisite, for the purpose of preventing improvident and injurious transfers of landed property, at an inadequate price, by the forfeiture of mortgages, accompanied with a condition of sale to the mortgagee, if the amount advanced be not repaid within a stated period, (which description of mortgage is common throughout the country, under deeds of bye-bil-wuffa, kut-cubaleh and other similar designations,) that an equitable provision should be made for allowing a redemption of the estate within a reasonable and limited period, on payment of the principal sum lent; with interest thereupon if the mortgagee shall not have been put in possession; the Governor General in Council has accordingly enacted the following rules, to be in force from the time of their promulgation, in the several provinces therein specified respectively. Preamble.

II. The provisions contained in the several sections of Regulation XV, 1793, are hereby declared to extend to the province of Benares, from the commencement of the ensuing year 1807 A C. corresponding with the 19th Poose of the Bengal year 1213, Provisions of Regulation XV, 1793, extended to Benares, from the date herein specified, with certain modifications.

1213, and 7th Poose of the Fusly year 1214; subject to the following modifications.

What rates of interest to be decreed by the courts of civil judicature, if the cause of action have arisen before the period stated in the preceding section.

III. Instead of the limitations of interest specified in Sections II and III, Regulation XV, 1793, if the cause of action shall have arisen before the period stated in the preceding section, the courts of civil judicature are to decree whatever rate of interest may have been voluntarily stipulated; or, if interest be payable in any case wherein a specific rate may not have been stipulated, according to the law and usage of the province; in conformity with the spirit of Section IX, Regulation VII, 1795; which directs, with respect to bills of exchange, receipts, or notes of hand, that the custom of the country is to be abided by, and with respect to dealings and money transactions amongst mahajins and shroffs, that the established customs observed, and enforced, amongst them, are to be adhered to by the courts in their inquiries and decisions.

Laws and usages of the province, and the spirit of Section IX, Regulation VII, 1795, to be applied in certain cases.

What rate of interest to be adjudged, if the cause of action arise after the period specified in Section II.

IV. If the cause of action shall arise after the period specified in Section II, of this Regulation, the courts are not to decree any interest above the rate of one per cent per mensem; or twelve per cent per annum.

The forfeiture of principal and interest in the cases herein specified, enacted by Section VIII, Regulation XV, 1793, not to be considered applicable to bonâ fide loans contracted, or bonds executed, previously to the period specified in Section II.

V. The forfeiture of interest for stipulation of a higher rate, than what is authorized, enacted by Section VIII, Regulation XV, 1793; and the forfeiture of principal and interest, in cases of attempts to elude the prescribed rules, by deductions from the principal, or other devices, provided against by Section IX, Regulation XV, 1793, shall not be considered applicable to any loans actually and bonâ fide contracted, or to any bonds or other instruments voluntarily given for the evidence and security of such loans, previously to the period stated in Section II, of this Regulation.

Rule in Section X, Regulation XV, 1793, to be considered in force throughout the province of Benares, from the beginning of the year 1214 Fusly, but not to be applied retrospectively in opposition to any engagement voluntarily contracted before the period fixed for the operation of this Regulation.

VI. The rule contained in Section X, Regulation XV, 1793, for the redemption of mortgaged property whenever the principal sum lent, and the simple interest due thereupon, shall have been realized from the usufruct, is to be considered in force throughout the province of Benares, from the commencement of the Fusly year 1214; but shall not be applied retrospectively, in opposition to any subsisting engagement, voluntarily contracted before the period fixed for the operation of this Regulation.

Provisions in addition to those made by Regulations I, 1798 and XXXIV, 1803, for the redemption of mortgages and conditional sales of land, under deeds herein specified.

What shall entitle the mortgagor or his legal representative to redemption of his property before the final foreclosure of the mortgage, at any

VII. In addition to the provisions made in the provinces of Bengal, Behar, Orissa, and Benares, by Regulation I, 1798, and in the ceded and conquered provinces by Regulation XXXIV, 1803, for the redemption of mortgages and conditional sales of land, under deeds of bye-bil-wuffa, kut-cubaleh, or any similar designation; it is hereby provided, that when the mortgagee may have obtained possession of the land, on execution of the mortgage deed, or at any time before a final foreclosure of the mortgage, the payment, or established tender of the sum lent under any such deed of mortgage and conditional sale, or of the balance due, if any part of

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the principal amount shall have been discharged, or when the mortgagee may not have been put in possession of the mortgaged property, the payment, or established tender of the principal sum lent, with any interest due thereupon, shall entitle the mortgagor and owner of such property, or his legal representative, to the redemption of his property, before the mortgage is finally foreclosed in the manner provided for by the following section, that is to say, at any time within one year (Bengal, Fusly, or Willaity, according to the era current, where the mortgage may take place,) from and after the application of the mortgagee to the zillah or city court of dewanny adawlut, for foreclosing the mortgage, and rendering the sale conclusive, in conformity with Section VIII of this Regulation; provided that such payment or tender be clearly proved to have been made to the lender and mortgagee, or his legal representative; or that the amount due be deposited, within the time above specified, in the dewanny adawlut of the zillah or city in which the mortgaged property may be situated; as allowed, for the security of the borrower and mortgagor, in such cases, by Section II, Regulation I, 1798, and Section XII, Regulation XXXIV, 1803; the whole of the provisions contained in which sections, as applied therein to the stipulated period of redemption, are declared to be equally applicable to the extended period of one year, granted for an equitable right of redemption by this Regulation.

time within the period of one year, from and after the period of the application made by the mortgagee, to the zillah or city court, for foreclosing the mortgage.

Proviso.

VIII. Whenever the receiver or holder of a deed of mortgage, and conditional sale, such as is described in the preamble and preceding sections of this Regulation, may be desirous of foreclosing the mortgage, and rendering the sale conclusive, on the expiration of the stipulated period, or at any time subsequent before the sum lent is repaid, he shall (after demanding payment from the borrower, or his representative,) apply, for that purpose, by a written petition to be presented by himself, or by one of the authorized vakeels of the court, to the judge of the zillah or city in which the mortgaged land, or other property, may be situated. The judge on receiving such written application, shall cause the mortgagor, or his legal representative, to be furnished, as soon as possible, with a copy of it, and shall at the same time, notify to him, by a perwannah /or [illegible]/ under his seal and official signature, that if he shall not redeem the property mortgaged, in the manner provided for by the foregoing section, within one year from the date of the notification, the mortgage will be finally foreclosed, and the conditional sale will become conclusive. (*n*)

How a mortgagee or holder of a deed of conditional sale is to proceed, when desirous of foreclosing a mortgage, or rendering a conditional sale conclusive.

To present a petition in person or by an authorized vakeel to the judge of the zillah court.
How the judge is to proceed on receiving such petition.

(*n*) See the Circular Orders of the Sudder Dewanny Adawlut, new edition, pages 17 and 61, Nos. 12 and 23, Head—Miscellaneous Rules of Practice, explanatory of this section.

Construction by the Sudder Dewanny Adawlut, 14th March, 1811, *and 25th June,* 1812. The court determined, that the provisions of this section do not entitle a mortgagee to be put in possession, by judicial process, of the property mortgaged to him, although stated to be unredeemed at the expiration of the period notified, if the mortgagor contest the right of the mortgagee to obtain possession; and that a judge is not authorized in such case to put the mortgagee in possession on a summary investigation, or otherwise, than by a regular suit: that, if the mortgagor on being called upon to shew cause why the mortgagee should not obtain possession, denied the right of the mortgagee to possess the lands, the question of right could only be determined as directed by Regulation I, 1798, Section V: that, an action on the part of the mortgagee to obtain possession at the expiration of the period of the deed of mortgage, cannot lie in the first instance against the mortgagor, who disputes the other's claim under the deed, without application being made to foreclose as directed by this section.

A. D. 1806. REGULATION XVIII.

A REGULATION *for collecting a toll on boats passing through the eastern canal, which connects the river Hooghly, with the Sunderbuns, and through the canals, commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Narrainpore Khaal.*—PASSED *by the Governor General in Council, on the 16th of October 1806; corresponding with the 1st Kautic 1213 Bengal era; the 19th Assin 1214 Fusly; the 1st Kautic 1214 Willaity; the 5th Assin 1863 Sumbut; and the 3d Shabaun 1221 Higeree.*

WHEREAS tolls have, during a considerable period of time been levied on boats passing through the eastern canal, which connects the river Hooghly, with the Sunderbunds, and through the canals commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Narrainpore Khaal; and whereas it is expedient, that the rates of toll should be defined and published for general information; the following rules have been established, to be in force from the period of their promulgation. (o) Preamble.

II. *First.* A toll shall be levied on all boats passing through the eastern canal, at the following rates: A toll to be levied on all boats passing through the eastern canal.

Rates.

Budgerows, ... Pinnaces, ... Bauleahs, ... Paunsways, ...	4 annas per oar.
Empty boats, boats laden with bricks, earthen-ware, sand, earth, soorkey, ...	4 annas per 100 maunds burthen.
Small boats, passing and repassing through a part only of the nullah, laden with articles of small value,	4 annas per boat, for passing and repassing.
Baggage boats and boats laden with rice, paddy, kessary, moong, killai, muttore, boot, mussary, wheat, barley, orhur, chura, burbutty, congney, Dacca-pumkins, straw, firewood, guransticks, ginger, tamarind, onions, garlic.	1 rupee per 100 maunds burthen.

Second. All boats passing through the nullah, laden with any other articles than those mentioned in the above list, shall be subject to the duty of two rupees per one hundred maunds burthen. Rate to be paid by all boats laden with other articles than those above specified.

(o) See Regulation VII, 1810, entitled—A Regulation for collecting a toll on boats passing along the canal leading from the Boitakhanna road to the salt water lake: also Regulation IV, 1813, entitled a Regulation for establishing a toll on boats passing through the Issamutty, Matabangah and Choornee rivers; & Regulation XIX, 1816, entitled—A Regulation for the better management of ferries, and for levying a toll on the passage of persons and property over rivers and lakes.

Third.

The collection of the tolls to be entrusted to the collector of the 24-Purgunnahs.

Third. The collection of the tolls upon boats passing through the eastern canal, shall be entrusted to the collector of the 24-Purgunnahs, (*p*) aided by such native officers as may be required in the discharge of that duty.

Ferries to be established at certain places.

Fourth. Ferries shall be established for the convenience of the public, at the following places, viz. Callyghaut, Baunsdoony, Ghurrya, Tectalbarrya; and, during the season of the rains, at Khuribanya.

Rates of toll to be levied at the ferries.

Fifth. Tolls shall be collected from all persons availing themselves of the use of the ferries, at the following rates: (*q*)

A foot passenger, five gundas of cowries.

A foot passenger with a load, one pun of cowries.

A bullock load, two puns ditto.

A palanqueen, with bearers, four annas.

Hackeries and carriages, loaded and empty, eight annas.

Sheep, goats, &c. one pun of cowries each.

Persons at liberty to use the ferries or not.

Sixth. At the same time, it is to be understood, that persons are entirely at liberty to use the ferries, or to cross the nullah in any other manner which may be practicable, and which they may prefer; and that, in the latter case, they are not to be subject to any demands whatever on account of the toll specified in the preceding section.

Rules for preventing interruption in the passage of boats and preserving the canal in a navigable condition.

III. *First.* The following rules have been established for the purpose of promoting the convenience of the community, and of preserving the canal in a good navigable condition.

On what sides of the canal, boats &c. shall navigate in going to or coming from the Sunderbuns.

Second. Boats and other vessels proceeding to the Sunderbuns, shall pass on the right hand, or south west side of the canal; and boats and other vessels coming from the Sunderbuns to the Hooghly river, shall pass on the north east side of the canal.

Anchors or bamboos to be used for fixing boats in the bed of the canal, and no bamboos or stakes to be driven into the banks.

Third. Mangies and other persons in charge of boats, shall use anchors or bamboos for the purpose of fixing their boats in the bed of the canal; and they shall not be permitted to drive bamboos or stakes of any kind into the banks of the canal; which term shall be understood to comprehend a distance of not less than nine feet from the top of the slope.

Individuals not to excavate earth within 100 feet of the banks of the canal.

Fourth. Individuals shall not be permitted to excavate earth, for the purpose of making bricks, within one hundred feet of the banks of the canal.

(*p*) Now to the Commissioner in the Sunderbuns, appointed under Regulation IX, 1816.

(*q*) By Regulation XIX, 1816, Section II, the collectors of the land revenue are authorized to regulate the assessment and management of ferries generally, under the control of the superintending revenue authorities.

Fifth.

Fifth. All persons are prohibited from throwing ballast, wood, or other large and solid substances into the canal.

All persons prohibited from throwing ballast or other solid substances into the canal.

IV. Any person infringing any of the foregoing rules, shall be liable to be sent either by the officers of police, or by the officers entrusted with the charge of the collections, to the magistrate officiating in the 24-Purgunnahs, and to be punished to the extent to which the magistrates are authorized to inflict punishment for the commission of petty offences, under the general Regulations.

Persons infringing any of the above rules, how to be dealt with.

V. In the event of any vessel or boat sinking in the canal, immediate notice shall be given by the crew, or person in charge, at the thanna of the nearest police darogah, who, on receiving such information, shall proceed without delay to the spot, and adopt measures under the directions of the magistrate, for the immediate removal of the wreck.

Measures to be adopted in the event of vessels or boats sinking in the nullah.

VI. It shall be the duty of the magistrate to prevent any encroachments on the canal, by the erection of ghauts or other buildings tending to impede the navigation of the canal. The officers of police and the officers employed in making the collections, shall accordingly report to the magistrate, whenever any encroachment or nuisances of that nature may be attempted to be made.

The magistrate to prevent any encroachments on the canal.

VII. A toll shall be collected on all boats passing through the canal, commonly called the Banka nullah, Gowah khaal and Narainpore khaal, in the division of Tumlook, and through the Khoonjopore khaal, in the division of Hidgelee, at the following rates;

A toll to be levied on all boats passing through the Banka nullah.

Rates.

On all budgerows, pinnaces, bauleahs, or paunsways, whether with passengers or empty,..	4 annas per oar.
On salt per 100 maunds as per chellaun,..	1 rupee 1 anna.
On boats of burthen empty, 4 annas per 100 maunds burthen of the boat,' On baggage boats, and boats laden with rice, paddy, and grain of all kinds, or earthen ware,..	8 annas per 100 maunds burthen of the boat.
On boats laden with any other articles, than those before specified,....	1 rupee per 100 maunds burthen of the boat.
On saul, sissoo, and all other timbers, in rafts,..... ..	2 annas per timber.
On bamboos, in floats,..	4 annas per 100 bamboos.
On small boats, proceeding with articles for sale, or barter, at the hauts, bazars, or gunges, near the banks of the nullah, and not passing through it,	2 annas on each boat going and returning.

VIII. The duty of collecting the tolls on boats passing through the Bankah nullah, Gowah khaal, and Narrainpore khaal, shall be entrusted to the person holding the appointment of salt agent for the division of Tumlook, and the duty of collecting

To whom the duty of collecting the tolls shall be entrusted.

ing the tolls on boats passing through the Koonjopore khaal, to the person holding the appointment of salt agent for the division of Hidgelee, aided by such native officers as may be required in the discharge of that duty.

Board of Revenue vested with a general controul over the officers entrusted with the collection of the tolls, under the provisions of the present Regulation.

IX. The Board of Revenue is hereby vested with a general controul over the collector of the 24-Purgunnahs, and over the salt agents at Tumlook and Hidgelee, in the discharge of the duty entrusted to those officers respectively, by the provisions of the present Regulation.

A. D. 1806. REGULATION XIX.*

A REGULATION *for modifying the rules under which as established by Regulation XI, 1800, and Regulation V, 1802, a duty of three and a half per cent is at present levied on brandy, gin, rum and other spirits on importation by sea; for subjecting spirits of all kinds (Batavia arrack, and arrack imported into Calcutta from Bencoolen excepted) to the assessment of that duty at a fixed valuation per pipe, on being imported by sea at the port of Calcutta, or at any of the foreign settlements, on the river Hooghly; and for amending the rule contained in Clause Sixteenth, Section V, Regulation XXXIX, 1795, respecting the deduction to be allowed for leakage of liquors imported in casks.*—PASSED *by the Governor General in Council, on the 16th of October 1806: corresponding with the 1st Kartic 1213 Bengal era; the 19th Assin 1214 Fussly; the 1st Kartic 1214 Willaity; the 5th Assin 1863 Sumbut; and the 3d Shabaun 1221 Higeree.*

UNDER the general rules prescribed by Clause Second, Section IV, Regulation XI, 1800, for the collection of government customs, on all goods imported into Calcutta by sea, or from the foreign settlements on the river Hooghly, spirits of all kinds, Batavia arrack, and arrack imported from Bencoolen excepted, are subject to the payment of customs at the rate of three and a half per cent on the amount of the original bills, or invoices, produced at the custom house, and in like manner Clauses First and Second, Section XV, Regulation V, 1802, provide for the assessment of that duty on the Calcutta price of the spirits, at the time of importation, in the event of the original invoices or bills not being produced to the collector, or of there appearing to him, to be cause for belief, that the invoices, or bills, do not show the true prime cost of the article. By Clause Fourth, Section IX, Regulation V, of 1802, goods imported into any of the foreign settlements on the river Hooghly by sea, and which shall not have paid the import government customs at Calcutta, are rendered liable on their exportation from such settlements into the interior of the country, to pay to the collector of customs at Hooghly, government customs at the same rates, with which the goods would have been charged had they been imported at Calcutta. Considerable difficulty however, arising chiefly from the almost constant fluctuation of the market prices of spirits having been experienced in settling the import duties on brandy and gin, in instances in which invoices are not exhibited, and it appearing also, that, when invoices are produced, the rates, at which the above mentioned articles are assessed with government customs, are always much lower than the

Preamble.

* The whole of this Regulation is rescinded by Regulation IX of 1810, Section II.

the Calcutta price at which the drawback of that duty is allowed on the re-exportation of such articles, thereby operating materially to the injury of the collections; the Governor General in Council has considered it to be expedient to rescind the existing rules for assessing government customs on spirits imported at the Calcutta custom house by sea, and to provide for the assessment of the duty on them according to a fixed valuation. The following rules are therefore enacted, to be in force from the date of their promulgation.

Rules contained in Clause Second, Section IV, Regulation XI, 1800, and Clause Sixteenth, Section VI, Regulation XXXIX, 1795, partially rescinded.

II. *First.* The rules contained in Clause Second, Section IV, Regulation XI, of 1800, as far as they are applicable to the collection of government customs on spirits imported at Calcutta by sea; and in Clause Sixteenth, Section VI, Regulation XXXIX, 1795, for allowing a deduction of ten per cent on account of leakage, &c. of liquors, are hereby rescinded.

Duties leviable on spirits, with certain exceptions, to be calculated at thirty pounds sterling per pipe.

Second. The duty of three and a half per cent leviable on spirits of whatever kind, imported by sea in casks, Batavia arrack, and arrack imported from Bencoolen excepted, shall in future be calculated on the price of thirty pounds sterling per pipe.

Rules as to the usual deduction allowed for leakage, and in what cases it shall not be allowed.

Third. A deduction of ten per cent for leakage will be allowed as heretofore, provided the collector shall be satisfied that the casks have not been filled up previously to their leaving the ship, or after being landed, but if ullages, or parts of casks, are filled up prior to the spirits being passed, the casks shall be gauged, and the duty shall be levied without any deduction on the actual quantity. No deduction shall be allowed after the casks shall have been removed from the wharf.

Preceding rules as to leakage applicable to all liquors imported by sea in casks.

Fourth. The rules contained in the preceding clause, are to be considered applicable to the deduction to be allowed for leakage of all other liquors imported by sea, in casks.

Duty on Batavia arrack to be calculated as heretofore.

III. The duty on Batavia arrack shall continue to be settled at the rate of sicca rupees fifty-five per leaguer.

The duties to be levied at Hooghly, under Clause Fourth, Section IX, Regulation V, 1802, to be assessed at the fixed rule prescribed in this Regulation.

IV. The duty to be levied by the collector of customs at Hooghly, on spirits exported from any of the foreign settlements on the river Hooghly, as prescribed by Clause Fourth, Section IX, Regulation V, 1802, shall be assessed according to the fixed rate to which such spirits are liable under this Regulation, on importation by sea at the port of Calcutta.

A. D. 1806. REGULATION XX.*

A REGULATION *for modifying the existing rules respecting the establishment of shops for the manufacture and sale of spirituous liquors in the vicinity of the military cantonments, at which Europeans are quartered.*—PASSED *by the Governor General in Council, on the 23d of October* 1806; *corresponding with the* 8*th Kautic* 1213 *Bengal era; the* 26*th Assin* 1214 *Fusly; the* 8*th Kautic* 1214 *Willaity; the* 11*th Assin* 1863 *Sumbut; and the* 10*th Shabaan* 1221 *Higeree.*

WHEREAS it is provided by Section XVI, Regulation XXXIV, 1793, by Section XXXIV, Regulation VI, 1800, and by Section XII, Regulation XL, 1803, that shops for the manufacture and sale of spirituous liquors shall not be established within two coss of any of the military cantonments, in which European troops are quartered; And whereas the facility still experienced at certain stations in obtaining spirituous liquors renders it essential, that the shops for the manufacture and sale of that commodity should be removed to a greater distance from such cantonments; the following rules have been enacted, to be in force from the date of their promulgation, in all the provinces subject to the immediate government of the presidency of Fort William. Preamble.

II. Such parts of the rules contained in Section XVI, Regulation XXXIV, 1793, Section XXXIV, Regulation VI, 1800, and in Section XII, Regulation XL, 1803, as direct that shops for the manufacture and sale of spirituous liquors shall not be established within two coss of any of the military cantonments, at which European troops are quartered, are hereby rescinded. Section XVI, Regulation XXXIV, 1793, Section XXXIV, Regulation VI 1800, and Section XII, Regulation XL, 1803, rescinded.

III. Previously to issuing any licenses at the commencement of the Bengal and Fusly year, for the manufacture and sale of spirituous liquors, in the vicinity of any of the military cantonments, at which European troops are quartered, the collector shall communicate with the officer commanding the troops, regarding the distance from the cantonments, to which it may appear to be advisable to extend the prohibition against the sale of spirits, and if no substantial objection shall occur to the distance which may be proposed to be established for that purpose by the commanding officer, the collector shall be guided by such recommendation in issuing the annual licenses for the manufacture and sale of spirits: Provided however, that if the collector shall be of opinion, that the distance proposed by the commanding officer is unnecessarily great, or that it is calculated materially to injure the public revenue derived from the duties levied on the sale of spirits, or that it is otherwise liable to objections; the collector shall represent the circumstances of the case to the Board of Collectors to consult the officers commanding the troops, in issuing licenses for the sale of spirituous liquors. Objections to be noticed to government through the Board of Revenue.

* The whole of this Regulation is rescinded by Regulation X of 1813.

of Revenue, who shall forward the collector's report, with their opinion on the subject, to the Governor General in Council for his consideration and orders.

In what cases licenses shall be liable to be withdrawn.

IV. It may be expected from the operation of the foregoing rule, that the shops for the manufacture and sale of spirits, will be removed generally to such a distance from the military cantonments as shall preclude the inconvenience hitherto experienced, from the establishment of such shops in the vicinity of those stations. If however, it shall appear to the Governor General in Council, either from the representations of the commanding officer, or from any other source of information, after the annual issue of licenses, that any shops have been established, which, from their situation with respect to any of the military cantonments, are injurious to the European troops quartered at such cantonments, the Governor General in Council will order such licenses to be withdrawn, and the manufacture and sale of spirits at those places to be discontinued.

Board of Revenue to reconsider the rates of duty, at present levied on the manufacture and sale of spirituous liquors, in the vicinity of the military cantonments.

V. With the view likewise of further restraining the consumption of spirituous liquors, by enhancing the price of the commodity, it shall be the duty of the Board of Revenue, to reconsider the rates of duty at present levied on the manufacture and sale of spirituous liquors, in the cities and towns, situated in any degree, near to any of the military cantonments, and in those cases in which it may appear to the Board of Revenue, to be advisable, with a view to the attainment of the object above stated, that the rates of duty should be increased, to recommend the adoption of that measure to the Governor General in Council, conformably to the provision made for that purpose, in Section III, Regulation VI, 1800, and in Section XV, Regulation XL, 1803.

A. D. 1806. REGULATION XXI.

A REGULATION *for making certain alterations in the office of tehseeldar in the province of Benares, and in the ceded and conquered provinces, on the death, resignation, or removal of any of the persons, by whom those offices are at present held.* —PASSED *by the Governor General in Council, on the 2d of December 1806; corresponding with the 18th Aughun 1213 Bengal era; the 6th Aughun 1214 Fusly; the 18th Aughun 1214 Willaity; the 7th Aughun 1863 Sumbut; and the 20th Ramjaun 1221 Higeree.*

Preamble.

WHEREAS it has been deemed advisable, that certain alterations should be made in the office of tehseeldar in the province of Benares, and in the ceded and conquered provinces, (Cuttack excepted), on the death, resignation, or removal of any of the persons, by whom those offices are at present held; the following rules have been enacted; to be immediately in force in the province of Benares; in the provinces ceded by the Nawaub Vizier, to the Honorable Company; in the conquered provinces in the Doaub, and on the right bank of the river Jumna; and in that part of the territory in Bundlecund ceded to the Company by His Highness the Peishwah, to which the Laws and Regulations of this government have been hitherto extended.

On the death, resignation, or removal of any of the present tehseeldars, government will fix the allowances of their successors on a consideration of the amount of the revenue, the extent of the country, or other local circumstances, rules to be observed by the collectors, and magistrates in such cases.

II. Whenever any of the present tehseeldars in any of the above mentioned provinces shall die, or shall resign, or shall be removed from office on account of misconduct, *under the powers vested in the Governor General in Council by the general Regulations, the Governor General in Council (r)* will fix the personal allowances which it may be proper to grant to their successors, and likewise, the amount which it may be proper to allow to them for the maintenance of establishments, both as receivers of the public revenue, *and as officers of police, (s)* on a consideration of the amount of the revenue to be collected by such tehseeldars; of the extent of country comprised within the limits of their respective tehseeldarries; and of other local circumstances. It shall accordingly be the duty of the collector of the district in which any tehseeldar may die, or resign, or be dismissed from office, to report to the *Governor General in Council through the Board of Revenue, (r)* the amount of the

(r) The appointment of tehseeldars is, at present, vested in the Board of Commissioners, if in the Upper Provinces, or in the Commissioner for Behar and Benares, if in the province of Benares, without the sanction of the Governor General in Council. See Regulation VIII, 1809, Section X, Clause III. The fixing of the personal allowances of those officers, as well as of those of their establishments, as receivers of the revenue, are probably also vested in the said authorities, but there is no express provision in the Regulations to this effect.

(s) Rescinded by Regulation XIV, 1807, Sections II and III. The tehseeldarry system of police has been abolished by that Regulation.

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personal salary which the collector would propose to be granted, on the principles above stated, to the new tehseeldar, and of the establishment which he would propose to be allowed for the collection of the public revenue. *The magistrate of the district in which any tehseeldar may die, resign, or be dismissed from office, shall likewise at the same time, submit to government through the court of Nizamut Adawlut, a statement of the establishment which it may appear necessary to allow to the new tehseeldar in quality of an officer of police, for the apprehension of public offenders, and for the maintenance of the peace within the limits of his tehseeldaree. (t)*

Tehseeldars so appointed shall be vested with the same powers as the present tehseeldars.

III. Tehseeldars appointed under the present Regulation, shall, be vested with the same powers as the present tehseeldars are, or may be empowered to exercise, both as receivers of the public revenue *and as officers of police, (t)* under the Regulations established in the abovementioned provinces respectively.

Tehseeldars so appointed shall be responsible for the jumma of their tehseeldarries under certain restrictions.

IV. Tehseeldars appointed under the present Regulation, shall be responsible for the jumma of the mohauls included within their respective tehseeldarries: provided, however, that if any losses shall be proved to the satisfaction of the Governor General in Council to have arisen from the impracticability of realizing any balances due from zemindars, farmers, or others by the sale of their property, or by other legal means; or if the Governor General in Council shall in any particular case deem it just and proper to grant remissions in favor of any of the said zemindars, farmers, or others; the tehseeldars shall obtain abatements proportioned to the amount of such losses or remissions. Provided also, that the tehseeldars shall obtain abatements from the jumma specified in their engagements, in proportion to the actual losses which may be proved to the Governor General in Council to have been sustained in lands held amauny.

The salaries and establishments allowed to the tehseeldars as receivers of the revenue, and for the support of the police, how to be paid to them.

V. The personal salary and amount of the establishment which may be granted to the tehseeldars under the present Regulation as receivers of the public revenue, shall be paid to them by the collectors; *and the establishment which may be allowed to the tehseeldars for the support of the police, shall be paid to them by the magistrates; (t)* and the expense incurred on those *two* accounts, shall be charged to the revenue *and judicial* departments *respectively*.

(t) Rescinded by Regulation XIV, 1807, Sections II and III. The tehseeldarry system of police has been abolished by that Regulation.

A. D. 1806. REGULATION XXII.

A REGULATION *for modifying the rules hitherto observed in the admission and payment of claims to pensions.*—PASSED *by the Governor General in Council, on the 18th of December* 1806; *corresponding with the 5th Poose* 1213 *Bengal era; the 22d Aughun* 1214 *Fusly; the 5th Poose* 1214 *Willaity; the 8th Aughun* 1863 *Sumbut; and the 6th Shawaul* 1221 *Higeree.*

WHEREAS under the provisions contained in Regulation XXIV, 1803, (extended by Section XVII, Regulation VIII, 1805, to the conquered provinces situated within the Doaub, and on the right bank of the river Jumna, and to the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah,) the collectors are authorized to decide on claims preferred to pensions received under the former government, to the amount of one hundred sicca rupees per annum; and whereas it is expedient that such claims should not be admitted without the confirmation of the Board of Revenue; and whereas the same principle requires that the rule contained in Section V, Regulation XXIV, 1793, (extended to Cuttack, by Regulation XII, 1805,) should likewise be revised and amended; and also, that provision should be made for the commutation of pensions, in certain cases, for grants of waste land, to be held free of assessment; the following rules have been enacted; to be in force from the time of their promulgation throughout the provinces immediately dependent on the presidency of Fort William. (v) Preamble.

II. Whenever claims may be preferred by individuals in the provinces ceded to the Honorable Company, by His Excellency the Nawaub Vizier, or in the province of Bundlecund, or in the conquered provinces lying on the right and left bank of the river Jumna to pensions received under the former government, not exceeding sicca rupees one hundred per annum, whether under the title of rozeena or any other designation, the collector shall make the necessary enquiry into the validity of the claimant's title to the pension under the rules contained in Regulation XXIV, 1803. Previously however to the final admission of any claims of that description, the collector shall submit the proceedings held by him, accompanied with his sentiments on the subject, to the Board of Revenue, (u) who on a consideration of the circumstances of the case, shall decide finally, with reference to the principles stated

Claims to pensions not exceeding 100 rupees per annum, in the ceded and conquered provinces to be enquired into by the collectors under Regulation XXIV, 1803, and their proceedings thereon transmitted for the final decision of the Board of Revenue.

(v) See Regulation XI, 1813, entitled—A Regulation for modifying some of the rules before established respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions.

(u) In the Ceded and Conquered provinces the duties, authorities and powers, of this Board, have been transferred to the Board of Commissioners constituted under Regulation X, 1807, and Regulation I, 1809.

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in Regulation XXIV, 1803, whether the claim to the continuance of the pension in question should be admitted or otherwise.

The principle of the foregoing rule to be in force in the lower provinces with respect to pensions not exceeding fifty rupees per annum.

III. The principle of the foregoing rule shall likewise be considered to be in force in the provinces of Bengal, Behar, Benares and Orissa, including Cuttack. The collectors therefore in those provinces, instead of deciding by their own authority upon claims to pensions not exceeding fifty rupees, under the rule, which has hitherto existed with respect to that point, shall submit their proceedings in the manner above stated, to the Board of Revenue, (w) for their final decision on the subject. This rule of course supersedes the provisions contained in Section V, Regulation XXIV, 1793, and in Section XVII, Regulation XXIV, 1803, under which any person having a claim to a pension not exceeding the sum above specified, which may have been rejected by the collector, and by the Board of Revenue, (w) are empowered to bring the case by appeal before the Governor General in Council.

Section V, Regulation XXIV 1793, and Section XVII, Regulation XXIV, 1803, superseded by the above rule.

The foregoing rules not to affect decisions already regularly passed by the collectors.

IV. It is not intended by the foregoing rules, to rescind, or otherwise to affect any decisions already regularly passed by the collectors, or by their predecessors, in any part of the country, upon claims preferred to the continuance of pensions in their respective districts, not exceeding the sums above specified; but the several collectors are hereby required to transmit to the civil auditor, within three months from the present date, a list of the several pensions adjudged by them, or their predecessors, under the rules hitherto observed, with reference to the monthly abstracts submitted by them to the Board of Revenue, (x) in pursuance of Section VI, Regulation XXIV, 1793, and Section XVIII, Regulation XXIV, 1803; and the auditor shall be guided by such lists (after comparing them with the monthly abstracts referred to) in auditing the sums charged by the collectors on account of pensions of the above description, admitted previous to the promulgation of this Regulation. In order likewise to facilitate the general audit of pensions, the collectors shall furnish the civil auditor, within the above mentioned period of time, with a separate list of authorized pensions payable in their respective districts, exceeding the sums above specified, including reference to the orders of government, by which such pensions have been sanctioned; and the auditor shall be guided by such lists (after comparing them with the authorities quoted) in the future audit of those pensions; applying however to the Board of Revenue, (x) for more particular information, in cases in which he may entertain any doubts on the subject.

What information to be transmitted to the civil auditor by the collectors to facilitate the audit of the sums charged by them for pensions.

Civil auditor to be informed of the continuance of all pensions hereafter authorized by the Board of Revenue under this Regulation, or by government.

V. Whenever the Board of Revenue (x) may hereafter authorize the continuance of any pensions not exceeding the sums specified in Sections II and III, of the present Regulation, they shall furnish the civil auditor, with the necessary information

(w) In the Province of Benares and in that part of the Province of Behar comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, the duties, powers and authorities of this Board, have been transferred to a Commissioner, styled the Commissioner in Behar and Benares, and appointed under Regulation I, 1816.

(x) See the two preceding notes.

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on the subject; and no pensions of the above description, shall in future be considered to be authorized, excepting such as may have been confirmed by the Board of Revenue. (y) In like manner, the civil auditor will be informed by order of government, of any pensions exceeding the sums above specified, which may be authorized by the Governor General in Council.

Collectors to furnish any further information required by the civil auditor.

VI. The several collectors are hereby required to furnish the civil auditor with any further accounts or information which he may require respecting the pensions payable in their respective districts, and to adhere to any forms with which he may furnish them for preparing the above, or any other reports which may be required on the subject, by that officer.

Rules under which the Board of Revenue are to determine upon the continuance of lapsed pensions not exceeding the sums above specified.

VII. Whenever a person in whose favor a pension, not exceeding the sums above specified, has been or may be adjudged, shall die; it shall be left to the Board of Revenue (y) to determine, after receiving the report of the collector, whether the said pension or any part of it shall be continued to the heirs and successors of the deceased; but in the exercise of this power, the Board of Revenue (y) is hereby required to ascertain particularly, the situation and circumstances of the party claiming the continuance of the pension, and not to comply with any applications of that nature, unless on the ground of poverty or for other substantial reason, the party claiming the pension shall have a strong claim on the indulgence of government. All applications for the continuance of pensions exceeding the sums above specified, are to be reported, agreeably to the rule at present in force, to the Governor General in Council, for his orders.

Applications for the continuance of pensions exceeding those sums to be reported to government as at present.

Cautions to be observed by the collectors as to the persons at present receiving pensions.

VIII. The collectors of the revenue are hereby required to make it a particular object of their attention to ascertain, whether the persons at present receiving pensions, are the individuals to whom the pensions were originally adjudged; and in those cases in which it may appear that the individuals to whom the pensions were adjudged are dead, to discontinue the payment thereof, until it shall have been determined under the preceding rules, whether the said pensions, or any part thereof should be continued to their heirs and successors, or otherwise.

Pensions to be in all practicable cases commuted for grants of waste land rent-free.

IX. It being declared in the Regulations, that pensions, with the exception of those specified in Sections II and III, Regulation XXIV, 1803; and in the latter part of Section XXX, Regulation XII, 1805, are gratuitous; and that the continuance or discontinuance of them, is to depend upon the pleasure of government; the pensions at present received, shall in all practicable cases, be commuted for grants of waste land, to be held by the grantees, and their posterity, in perpetuity, free of assessment: provided, however, that no pensions shall be so commuted during the life of the persons by whom they are at present received, (in case they have been

Provisions as to certain pensions which are not to be so commuted with-

(y) See the notes to Sections II and III, of this Regulation.

regularly

out the consent of the parties.

regularly investigated and adjudged) except with their own consent. Provided also, that pensions granted for, and bonâ fide, appropriated to the support of institutions, either of the Hindoo, or Mahomedan religion, shall be continued for the support of such institutions; unless the present incumbents, or their successors, shall of their own free will and accord, agree to accept grants of waste lands, to be held free of assessment, under a permanent tenure, in lieu of the said pensions. Provided, moreover, that no pensions which are declared to be hereditary, either by the terms of the grant, or by any existing Regulation, shall be so commuted without the consent of the present pensioners, or their successors.

Measures to be adopted by the collectors preparatory to such commutations.

X. Whenever a pensioner may die, or may be desirous of commuting the pension received by him, for a grant of waste land, it shall be the duty of the collector to ascertain and report, where lands capable of cultivation, and conveniently situated, with reference to the person to whom they are to be granted, can be obtained for that purpose. If it be intended to make the proposed grant within the limits of the district in which the pension may have been hitherto paid, the collector will of course have ample means of obtaining the necessary information on the subject, from his own records, and through the channel of his own officers. If it be intended to make the proposed grant in any other district, the collector shall apply to the collector of that district, for the necessary particulars on the subject, and in either case, shall report the result to the Board of Revenue. (z)

Board of Revenue to report such cases to government and to submit a draft of the proposed sunnud for the signature of the chief secretary, or the secretary in the revenue and judicial department.

XI. Whenever the Board of Revenue (z) may be of opinion on a consideration of the reports above noticed, and of any further information which they may require from the collectors, that it would be advisable, under the provisions and restrictions stated in the two preceding sections, to commute any of the pensions at present receivable for grants of waste land, (whether such pensions exceed, or fall short of the sums specified in Sections II and, III, of this Regulation) they shall report their sentiments on the subject to government, accompanied with the draft of a sunnud for the grant in question, to be signed if approved, by the chief secretary of government, or by the secretary in the revenue and judicial department, by order of the Governor General in Council, in framing which grants, the Board of Revenue (z) shall particularly attend to the purposes for which the grants are made, and to the wishes of the grantees in regard to the form and title of the deeds.

General rule as to the quantity of land to be so granted.

Government may increase or diminish the quantity and will authorize certain pecuniary payment to assist in bringing the land into cultivation.

XII. In ordinary cases, the quantity of land shall be such, that the annual net rent produce of it, when brought into cultivation may be equivalent to the annual amount of the pension. The Governor General in Council however, reserves to himself, the power of increasing or diminishing that quantity, as the situation of the parties and other circumstances may suggest. The Governor General in Council will likewise authorize, in addition to such grants of land, the payment of a sum

(z) See the notes to Sections II and III, of this Regulation.

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of money to enable the grantee, with greater facility, to bring the lands into cultivation; provided, however, that such sum shall not in any case exceed the amount of the pension, in commutation of which the land has been granted, for one year.

A. D. 1807. REGULATION I.

A REGULATION *for defining the duties to be performed and powers exercised, by single judges of the provincial courts of appeal in the absence of the other judges of the court.*—PASSED *by the Governor General in Council, on the 29th January* 1807; *corresponding with the* 17*th Moug* 1213 *Bengal era; the* 5*th Maug* 1214 *Fusly; the* 17*th Maug* 1214 *Willaity; the* 6*th Maug* 1863 *Sumbut; and the* 19*th Zekaad* 1221 *Higeree.*

NO provision having been made in the Regulations for the ceded and conquered provinces, to define the duties which devolve upon a single judge of the provincial court, who may remain at the station where the court is held, during the absence of the other judges; and the provisions made for this purpose in the provinces of Bengal, Behar, and Orissa, by Section XII, Regulation VII, 1794; extended to Benares by Section XV, Regulation XVI, 1795, having been found to require explanation and amendment; moreover no part of the existing Regulations providing for the performance of any duty by one of the judges of the provincial courts of appeal, when another judge may be present at the station where the court is held, but may not be able to attend the sittings of the court from indisposition or other cause; the following rules are enacted by the Governor General in Council, to be in force from the time of their promulgation, in all the provinces subject to the immediate government of the presidency of Fort William. Preamble.

II. Section XII, Regulation VII, 1794, is hereby rescinded. Section XII, Regulation VII, 1794, rescinded.

III. Whenever one judge only of a provincial court of appeal may be present at the station where the court is held, or though two or more judges may be present at the station, if one judge only shall be able to attend on the days fixed for the sittings of the court, which under the Regulations now in force, are to be held three days in every week, or oftener, if the business shall require it, (*a*) the officiating judge so attending the court, is authorized and directed to perform the duties specified in the following section. (*b*) Authority and direction given to a single judge of appeal, to perform the duties specified in Section IV.

IV. (*c*) *First.* To execute all decrees, precepts and orders of the Sudder Dewanny Adawlut, and make returns in the prescibed form in all cases of reference from Specification of those duties.

(*a*) Modified by Regulation XIII, 1810, Section V:—The sittings of the provincial courts of appeal are required to be held daily, sundays and holidays, excepted.

(*b*) For the despatch of business in general, separate sittings of the provincial courts, before one or more judges, at the same time, are authorized. See Regulation XXV, 1814, Sections VI and VII.

(*c*) The powers of single judges of the provincial courts of appeal, holding separate sittings of that court, under this section, with respect to the removal or appointment of ministerial native officers of those courts, and of the zillah or city courts, are explained by Regulation XXV, 1814, Section X.

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that court; also to receive petitions of appeal to the Sudder Dewanny Adawlut from the decisions of the provincial court, which may be duly presented within the fixed period; and to proceed thereupon as directed by the Regulations.

Further duties to be performed by a single judge of a provincial court.

Secondly. To execute all decrees and orders which may have been passed by two or more judges of the provincial court, and which shall not have been carried into full execution; provided that this authority be not construed to empower any single judge to perfect interlocutory decrees, by passing final judgment or order upon any point left undetermined by the decision of a competent provincial court, or generally to give any determination upon the rights of parties which may not have been expressly adjudged at a regular sitting of the provincial court. (*d*)

Proviso.

What other duties a single judge of a provincial court is authorized to perform.

Thirdly. To receive petitions of appeal from decisions of the zillah and city courts, whether transmitted by the judges of those courts, or presented, as allowed in particular cases by the Regulations, immediately to the provincial court, and if the appeal shall clearly appear to be admissible under the prescribed limitations and the petition for it shall have been duly presented within the fixed period; to admit the appeal and issue all consequent process for the appearance of the respondent, as well as for obtaining the proceedings held upon the cause appealed. But if the petition of appeal shall not have been presented within the limited period; or, although so presented, if there appear to be any room for doubt whether the cause be regularly appealable to the provincial court, or if the petition be for a special appeal, in cases where a regular appeal is not open to the provincial court, the admission or rejection of the appeal shall be left for the consideration of a competent court, and the single judge receiving the petition, shall merely record the receipt of it, and of the *institution fee* (*e*) and securities required to accompany it, which shall be returned in the event of the appeal's not being ultimately allowed by the provincial court. (*f*)

Continuation of the specification of duties to be performed by a single judge of a provincial court.

Fourthly. To ascertain and determine the sufficiency of securities offered for the admission of appeals or for the fees of *pleaders*; (*g*) or for staying the execution of decrees appealed from; to summon and examine witnesses for proving vukalutnamahs, or mokhtarnamahs; or for establishing the poverty of paupers; and to prepare appealed causes for trial, by receiving the pleadings of the parties, or their vakeels, and any exhibits which may accompany them.

(*d*) Modified by Regulation XIII, 1810, Section II, and Section IV, Clause II:—A single judge holding a sitting of a provincial court of appeal, is competent to pass final orders or judgments, or to perfect interlocutory decrees, subject to certain restrictions. Modified also by Regulation XXV, 1814, Section VIII, which enlarges and explains the powers of single judges holding a separate sitting of a provincial court of appeal.

(*e*) The stamp duty has been substituted for the institution fee, by Regulation I, 1814, Section XIII.

(*f*) The latter part of this clause, is modified by Regulation XIII, 1810, Section II, and Section IV, Clause III:—A single judge, holding a separate sitting of a provincial court, is competent to admit or reject appeals, with certain exceptions. See the note to Section IV, Clause II, of this Regulation.

(*g*) A deposit, equal to the amount of vakeels' fees, is now required, instead of security. See Regulation XXVII, 1814, Section XXIII.

Fifthly.

Fifthly. To summon and examine any witnesses upon the merits of the case in appeal whom the provincial court may have previously ordered to be examined: or where evidence may be offered upon points in which the provincial court may have resolved to admit new evidence on a previous hearing of the appeal. But this authority shall not be considered to empower any single judge to summon or examine witnesses, upon any point relative to the merits of a cause in appeal, unless two or more judges of the provincial court shall have directed the examination of such witnesses, or have resolved to admit new evidence on the point or points, in proof of which such witnesses may be adduced. (*h*)

Further specification of those duties.

Sixthly. To proceed in causes referred for trial in the first instance to the provincial court by the Governor General in Council, or by the Sudder Dewanny Adawlut, in like manner as stated in the foregoing clauses respecting appeals, and under the same restrictions.

Continuation of the same subject.

Seventhly. To receive miscellaneous petitions relative to matters depending before, or decided by, any zillah or city court; in all cases wherein the provincial courts are authorized to receive such petitions; and to proceed thereupon as the provincial courts are empowered to proceed; except that no final order shall be passed upon the subject of any such petition, until two or more judges be present, nor shall a single judge of the provincial court be deemed competent to pass a final and conclusive order, in any case whatever. (*i*)

What other duties are to be performed by a single judge of a provincial court.

Eighthly. To correspond with the Governor General in Council, with the Sudder Dewanny Adawlut, with the other provincial courts of appeal, with the zillah and city courts, and generally with all public officers, in like manner as the provincial courts are authorized to correspond with such public officers; and to perform all miscellaneous duties, arising out of such correspondence, or incident to the necessary discharge of the usual functions of an officiating judge of a provincial court of appeal, also to furnish the monthly and other periodical reports and accounts prescribed by the Regulations; or required by the orders of government, or of the court of Sudder Dewanny Adawlut.

Conclusion of this subject.

V. In the execution of the duties prescribed by the preceding section, a single judge of a provincial court of appeal, or an acting judge appointed to officiate as such, when none of the judges of a provincial court may be present at the station where the court is held, shall possess the same powers as are vested by the Regulations in

In the execution of the duties above described, a single judge of a provincial court, or an acting judge thereof, to possess the same powers as the court collectively; subject to the restrictions

(*h*) Modified by Regulation XIII, 1810, Section IV, Clause IV:—A single judge, holding a separate sitting of a provincial court, is competent to pass orders respecting the admission of evidence, the examination of witnesses, and all other points connected with the trial or merits of a suit or appeal, subject to the provision contained in Section VII of this Regulation.

(*i*) Modified by Regulation XIII, 1810, Section IV, Clause VI:—A single judge, holding a separate sitting of a provincial court, is competent to proceed on miscellaneous petitions, and all other petitions, in the same manner as that court collectively can, with certain restrictions.

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specified and to the further restriction in Section VI.

the court collectively, subject to the several restrictions specified, and also to the further restriction noticed in the following section.

How a single judge of a provincial court, or an acting judge or register thereof, is to proceed with a person appearing to be guilty of perjury.

VI. In the event of any witness, who may be examined by a single judge of a provincial court, or by a person appointed to officiate as such, or by the register of the provincial court acting under the orders of a single judge, appearing to be guilty of perjury, so as to merit commitment for trial before the court of circuit, in pursuance of the provisions made by the Regulations for that purpose; the judge may cause such witness to be held to bail, or if satisfactory bail be not given for his appearance at the first regular sitting of the provincial court, may cause him to be kept in custody until he can be brought before two or more judges of the provincial court, but shall not pass a final order to commit the witness for trial on a charge of perjury until the grounds of it shall have been submitted for the determination of a competent court. (j)

Powers vested by this Regulation in a single judge of a provincial court, not to be construed to prevent the court at large, or any two judges thereof from re-examining witnesses, or performing any of the other acts herein specified.

VII. The powers vested by this Regulation in a single judge of a provincial court of appeal, shall not be construed to prevent the court at large, or any two judges of the court, from re-examining witnesses whose depositions may have been taken before a single judge, if it appear requisite; or from examining any other witnesses in the cause; or generally from passing any order that may appear proper, and consistent with the Regulations, whether in addition to, or in qualification or abrogation of, any previous order of a single judge. (k)

(j) Modified by Regulation XIII, 1810, Section IV, Clause V.—A single judge, holding a separate sitting of a provincial court, is competent to commit or hold to bail for trial before the court of circuit, witnesses guilty of perjury in cases before him.

(k) *Construction by the Sudder Dewanny Adawlut*; *28th August*, 1817.—An appealed cause was decided by two judges of a provincial court of appeal: four or five years after, a single judge of the same court, passed an order in the same cause, directing the respondent to be answerable for the costs adjudged, which was not before directed: the Sudder Dewanny Adawlut held this subsequent order as perfecting the first decree, and of the same force and validity as if it had been passed by two or more judges, and that the provincial court of appeal could not regularly revise the order without the permission of the Sudder Dewanny Adawlut: that the powers vested in two or more judges by this section, are modified by Regulation XIII, 1810, Section IV, Clause IV, which defines the cases wherein two or more judges may abrogate orders of a single judge, viz. on the trial of depending causes, and respecting "points connected with the trial of the suit before the court."

A. D. 1807. REGULATION II

A REGULATION *to provide more effectually for the punishment of perjury, subornation of perjury, and forgery.*—PASSED *by the Governor General in Council, on the 29th January 1807, corresponding with the 17th Maug 1213 Bengal era; the 5th Maug 1214 Fusly; the 17th Maug 1213 Willaity; the 6th Maug 1863 Sumbut; and the 19th Zekaad 1221 Higeree.*

NOTWITHSTANDING the provisions made by Regulation XVII, 1797, in the provinces of Bengal, Behar, Orissa, and Benares, and by Section XL, Regulation VII, 1803, in the ceded provinces, (extended to the conquered provinces and to Bundlecund by Regulation IX, 1804) for punishing, to the full extent authorized by the Mahomedan law, persons convicted of giving false testimony on oath, or under a solemn declaration, in the courts of judicature, civil or criminal, this flagrant offence is found still to prevail, with subornation of perjury, and forgery, equally injurious to the rights of individuals, and to the due administration of justice; and no specific penalties having been attached to these crimes by the Moosulman law; which has left them punishable at discretion, by flagellation, imprisonment, and public ignominy; persons convicted of them have been sentenced to various, and in some instances inadequate punishment, according to the futwahs of the Mahomedan law officers of the courts of circuit. It is therefore requisite, that further provision be made to define, as far as the degrees of criminality in different cases may admit, the sentences which are to be passed by the courts of circuit, upon persons convicted before them of wilful perjury, subornation of perjury, or forgery. It is also expedient to declare such heinous and prevalent offences not bailable, except in special cases; and to expedite the exemplary punishment of persons who may be guilty of them before the courts of circuit, by providing for their immediate commitment and trial, when the whole of the requisite witnesses may be in attendance. The following rules are accordingly enacted by the Governor General in Council for the purposes aforesaid; to be in force, from the time of their promulgation, throughout the whole of the provinces subject to the immediate government of the presidency of Fort William. Preamble.

II. Regulation XVII, 1797, and Section XL, Regulation VII, 1803, are hereby rescinded. Regulation XVII, 1797, and Section XL, Regulation VII, 1803, rescinded.

III. *First.* If any person amenable to the jurisdiction of a court of circuit, shall be convicted before that court, whether by his free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence, of the Sentence to be passed on persons convicted before the courts of circuit of perjury, subornation of perjury, or forgery.

crime

crime of wilful perjury, or of subornation of perjury, or of forgery, as defined in the following section of this Regulation; and shall, in consequence, by the futwah of the Mahomedan law officer of the court of circuit, be declared liable to discretionary punishment (*tazeer, acoobut,* or *seeasut;*) the judge of circuit, before whom the trial may be held, provided he concur in the conviction of the prisoner, (and shall consider him a proper object of corporal and ignominious punishment) shall sentence the offender to be publickly exposed, in the mode commonly denominated *tusheer;* to have the words "durogh-go, or jāl saz," or others, of similar import, expressing the nature of the crime in the most current local language, marked on the offender's forehead, by the common process of "*godna,*" to receive thirty stripes with a corah; and to be imprisoned and kept to hard labour for a period not less than four, and not more than seven years. If it appear proper to banish the prisoner, during the period of his confinement, from the district in which he may have resided, he will be further liable to such sentence, in pursuance of Clause Third, of Section VIII, Regulation LIII, 1803. Provided however, that if the judge of circuit, on consideration of the circumstances of the case, and the prisoner's situation, shall deem the punishment above specified too severe, he shall submit the trial with his sentiments to the Nizamut Adawlut for the final sentence of that court. (*l*)

In what case the punishment above specified may be mitigated.

Second. If the judge of circuit differ in opinion from the law officer of that court, with respect to the conviction of the prisoner; he shall not pass any sentence, but shall transmit his own and the magistrate's proceedings, with his sentiments, in a letter to accompany them, for the sentence of the court of Nizamut Adawlut.

Judge of circuit, how to proceed, if the stated punishment appear inadequate to the offence; or if he differ from the law officer on the prisoner's conviction.

Third. In cases of reference to the Nizamut Adawlut, this court, after taking the futwah of its law officers, shall, if the prisoner be convicted, sentence him to any punishment deemed proper not exceeding that specified in Clause First, of this section.

IV. *First.* The crime of wilful perjury, subjecting the offender, on conviction, to the punishment stated in the foregoing section, is hereby declared to be, giving intentionally and deliberately, before a court of judicature, magistrate, or other authorized public officer, a false deposition, upon oath, or under a solemn declaration taken

Definition of the crime of wilful perjury, punishable under the preceding section.

(*l*) *Constructions by the Nizamut Adawlut.* The Court of Circuit having sentenced a prisoner under this section to imprisonment for four years, without further adjudging him to stripes, tasheer and branding, as prescribed by this section; and having issued his warrant to the magistrate to carry such sentence into execution; the Nizamut Adawlut determined, that the proceeding was irregular, and that the whole of the punishment specified in this section, should have been adjudged; or, if thought too severe, the trial should have been submitted for the sentence of the court. 4 *November* 1809.

Banishment not forming a part of the specific punishment prescribed for forgery or perjury, the Court of Circuit is competent to add banishment to the sentence or not, as it may deem proper. 24 *September*, 1812.

A false deposition upon oath, or under a solemn declaration taken instead of an oath, containing a deliberate and specific criminal charge, which the deponent knew to be unfounded, and which also appears to be malicious, is within the provisions for perjury contained in this Regulation, notwithstanding the provision for malicious, vexatious and unfounded charge in Regulation VII, 1811, Section V.—18 *April*, 1817.

instead

instead of an oath, relative to some judicial proceeding, civil or criminal, and upon a point material to the issue thereof. (m)

Subornation of perjury defined,

Second. Subornation of perjury punishable under the preceding section, is declared to be the crime of procuring, or causing another person to commit the offence of perjury as above described.

and forgery.

Third. The penalties for forgery, stated in Section III, are meant to include all fraudulent and injurious fabrications, or alterations of written deeds, or of written or printed papers, of whatever description; as well as all counterfeit seals or signatures thereto; and the illicit imitation of any public stamp, or stampt paper, established by government. It is further hereby declared, that persons convicted of procuring, or causing, any such forgery, will be liable to the same punishment, as those convicted of having actually committed the forgery, at the instigation of others.

Persons ordered to be tried for perjury, subornation of perjury, or forgery, not to be admitted to bail, without special cause.

V. Persons charged with the crime of perjury, subornation of perjury, or forgery, as defined in the preceding section, and appearing to the civil or criminal courts by whom they may be ordered to be brought to trial before the courts of circuit, to have been guilty of the charge, shall not be admitted to bail, (notwithstanding any thing declared to the contrary in any existing Regulation) unless specially authorized by the court under whose directions they are committed for trial. But nothing herein contained shall be construed to preclude the magistrate from admitting to bail, persons committed by him for trial, on charges preferred originally before him, in cases cognizable by him under the Regulations, without any order from a civil or criminal court for the commitment of such persons for trial before the court of circuit. (n)

In what cases persons considered guilty of perjury, subornation of perjury, or forgery, before a court of circuit, may be brought to immediate trial before that court, without postponement to a future session.

VI. Whenever a witness giving evidence before a court of circuit may be considered by the judge of that court to be guilty of wilful perjury, or whenever a person attending a court of circuit may be considered by the judge of that court to be guilty of subornation of perjury, or of forgery, in any trial or matter depending before the court, and the whole of the witnesses required for the proof of the charge, and for the defence of the accused, may be also in attendance, it shall be competent to the judge of circuit to direct the zillah or city magistrates to commit the person so charged for immediate trial before the court of circuit; instead of postponing the commitment for trial at the ensuing session of the court of circuit. Provided that nothing in this section shall be construed to authorize the conviction or punishment

Proviso for a regular trial; and full examination of evidence.

(m) See the further provision in Regulation VII, 1813, Section III, (for the Ceded and Conquered Provinces only, a similar rule being contained in Regulation III, 1801, for the Provinces of Bengal, Behar, Orissa and Benares) by which the magistrates are forbid to receive charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or those of the adverse side, or subornation of perjury against the opposite party; and plaintiffs, defendants, or witnesses, are not liable to prosecutions for such charges, unless committed on such account by the zillah or city judges, or other competent authority.

(n) The Courts of Circuit are empowered to instruct the zillah or city magistrates to accept sufficient bail from persons charged with offences not bailable, whenever there may be adequate cause for so doing. See Regulation IX, 1807, Section IX, Clause II.

of

of any person, charged with the crimes specified, until he shall have been regularly put upon his trial; or until any material evidence which he may have to offer in his defence shall have been received, and duly considered. (o)

(o) See the Circular Orders of the Nizamut Adawlut, new edition, page 4, No. 3, page 8, No. 14, and page 14, No. 22, under the Head—COURTS, relative to the rule contained in this Section.

A. D. 1807. REGULATION III.* X

A REGULATION *for modifying certain parts of Regulation IX,* 1800, *for the foundation of a College at Fort William.*—PASSED *by the Governor General in Council, on the* 5*th February* 1807; *corresponding with the* 24*th Maug* 1213 *Bengal era; the* 12*th Maug* 1214 *Fusly; the* 24*th Maug* 1214 *Willaity; the* 13*th Maug* 1863 *Sumbut; and the* 26*th Zekaad* 1221 *Higeree.*

WHEREAS it has been judged expedient, that the offices of provost and vice-provost of the College, instituted at Fort William, shall be discontinued, and the immediate government of the College be vested in a council of the College; and that the students, admitted to the College, be not attached to it for a definite period, but their continuance be determined by their proficiency in the prescribed course of study; the Governor General in Council therefore enacts the following Regulation. Preamble.

II. Sections III, X, XI, XIII, XV, XVII, and XXV, of Regulation IX, 1800, are hereby rescinded. Certain sections of Regulation IX, 1800, rescinded.

III. The immediate government of the College of Fort William shall be vested in a council consisting of a president and three or more members, who shall be appointed by the Governor General in Council. Government of the College of Fort William vested in a council.

IV. *First.* The council of the College shall meet, as often as may be requisite, on such days as may be appointed by the president; and shall be summoned, under his directions, by the secretary of the College council. Meetings to be summoned by the president.

Second. Any two members, present at a meeting so summoned, shall constitute a council. Two members constitute a council.

Third. All questions shall be determined by the majority of voices; and in any case where the votes may be equally divided, the president, or in his absence, the senior member present, shall have the casting vote. Decision by majority of voices, or by a casting [vote].

V. The council of the College may propose to the Governor General in Council the enactment of any new statute, or the amendment or abrogation of any existing statute, for the government of the College. But no statute shall be in force until it have been sanctioned by the Governor General in Council. The College council may propose statutes.

* The whole of this Regulation is rescinded by Regulation XX, of 1814.

VI.

May frame rules for internal discipline.

Revocable by the visitor.

VI. The council of the College shall have power to frame rules and issue orders for the internal government and discipline of the College. All such rules and orders shall be submitted to the inspection and revision of the patron and visitor, and shall be revocable by his authority.

Authority and duties of the College council.

VII. The council of the College shall exercise such authority and perform such duties, as may be committed to them by the statutes enacted, or to be enacted, for the government of the College, by the Governor General in Council.

Officers of the College removable by Governor.

VIII. The members of the council of the College, the professors, and all other officers of the College, shall be removable at the discretion of the Governor General in Council.

Professorships to be established.

IX. Professorships shall be established, and instruction delivered in the following branches of literature, science, and knowledge; viz. Arabic, Persian, Shanscrit, Hindoostanee, Bengalee, and Mahratta languages; Mohummudan and Hindee law; civil jurisprudence: and the Regulations and Laws enacted by the Governor General in Council, for the civil government of the British territories in India.

Vacations discontinued.

X. The vacations, established by Section XXII, Regulation IX, 1800, are discontinued; and the four terms to be observed in each year, shall in future consist of three months each, without any vacation.

Quarterly examinations to be publicly held.
Rewards to be distributed annually.

XI. Four quarterly examinations shall be holden in each year, instead of two half yearly examinations directed in Section XXIII, Regulation IX, 1800; prizes and honorary rewards will be publicly distributed by an officer of the College, under the directions of the patron and visitor, once in each year, to such students as shall appear to merit them.

Students to quit College when permitted by the patron on report of their proficiency.

XII. So much of Section XVIII, Regulation IX, 1800, as require that the junior civil servants of the Company on the Bengal establishment, shall be attached to the College for three years, is rescinded; their continuance in College will henceforward be regulated by their proficiency: and the patron and visitor will determine from the reports of proficiency made to him after the public examinations, when students may be permitted to quit the College, as having completed the prescribed course of study.

A. D. 1807. REGULATION IV.(*)

A REGULATION *for determining the rates, at which rupees of sorts shall be received and issued in the Ceded and Conquered Provinces, during the existence of the depending settlement of the land revenue in those provinces.*—PASSED *by the Governor General in Council, on the 19th March 1807; corresponding with the 7th Chyte 1213 Bengal era; the 25th Phaugun 1214 Fusly; the 7th Chyte 1214 Willaity; the 10th Phaugun 1863 Sumbut; and the 9th Mohurrum 1222 Higeree.*

WHEREAS it was enacted in Clause First, Section XVII, Regulation XLV, 1803, that the depending triennial settlement in the ceded provinces should be made in Lucnow sicca rupees, and that the difference between the several descriptions of rupees in which the former settlement had been made, and the Lucnow sicca rupees should be calculated according to a table of rates of the intrinsic value of all such descriptions of rupees, compared with the Lucnow sicca rupees; and whereas the said rules were extended by Section XXVIII, Regulation VIII, 1805, to the conquered provinces, situated on the right and left banks of the river Jumna, and to that part of the province of Bundlecund, in which the general Laws and Regulations of the British government have been declared to be in force; and whereas the delay which unavoidably occurred in publishing the said table of rates, has precluded a general adherence to that rule in the formation of the depending settlement; the following rules have been enacted, to be in force from the time of their promulgation in the ceded and conquered provinces. Preamble.

II. The operation of Clause First, Section XVII, Regulation XLV, 1803, and of the provisions contained in Regulation III, 1806, is hereby suspended during the existence of the depending triennial settlement, as follows: in the ceded and conquered provinces lying on the right and left banks of the river Jumna, until the expiration of the Fusly year 1215; in the province of Bundlecund, until the expiration of the year 1216.

The operation of Clause First, Section XVII, Regulation XLV, 1803, and provisions contained in Regulation III, 1806, suspended during the existing settlements.

III. Until the expiration of the periods above specified, the zemindars, farmers, and others paying revenue to government, shall discharge the demands upon them, either in the species of rupees specified in their existing engagements, or in any other species of rupees which may be current in the different districts, at the rates of batta at which they were received and paid, previously to the promulgation of the table of rates contained in Regulation III, 1806.

In what species of rupees the revenues may be paid.

(*) The period during which this Regulation was to be in force, having expired, and no extension thereof having been ordered by any Regulation in force, the provisions of this Regulation consequently are of no effect.

IV.

[Rule] contained in Section XXII, Regulation XLV, 1803, altered, and rupees of sorts allowed to be re-issued from the public treasuries when they cannot be immediately re-coined.

IV. It is provided in Section XXII, Regulation XLV, 1803, that rupees of sorts which may be received at the public treasuries, shall not on any account be issued therefrom, from and after the commencement of the year 1214, but shall be sent to the mint at Furruckabad, and be re-coined into siccas of the Lucnow forty-fifth sun. But as it might not be practicable, in consequence of the large proportion of rupees of sorts current in the ceded and conquered provinces, to coin these rupees into Lucnow siccas immediately they should be sent; and as inconvenience might in consequence be experienced from the retention of considerable sums of money from circulation, such quantity only of the rupees of sorts which may be received into the treasuries of the collectors, shall be sent from time to time to the mint at Furruckabad, as can be immediately re-coined into Lucnow siccas. It shall accordingly be the duty of the officer entrusted with the distribution of the funds, applicable to the pay of the troops serving in the upper provinces, to keep himself constantly informed respecting the quantity of money which the mint and assay-master may be able to re-coin, and to regulate, in conformity to such information, the remittances of rupees of sorts from the treasuries of the collectors, for the purpose of being re-coined. The mint and assay-master is accordingly hereby required to furnish that officer with any periodical reports or other information which he may require to enable him to perform that duty.

[Pub]lic officers to regulate their remittances of rupees of sorts to the mint for rè-coinage, by the quantity which can be re-coined without de-

[A]t what rates rupees of sorts shall be re-issued.

V. Such portion of the rupees of sorts as cannot be immediately re-coined into Lucnow siccas, and as may be required for the pay of the troops or other exigencies of the public service, shall be issued at the rates at which they may have been or may be received into the treasuries of the collectors, under the provisions contained in the present Regulation.

[Ru]les contained in Section XVII, Regulation XLV, 1803, and Regulation III, 1806, to be in full force and effect after the expiration of the existing settlements. The ensuing settlements to be made in the Lucnow rupees.

VI. At the expiration of the present depending triennial settlement, viz. at the close of the year 1216 in Bundlecund, and 1215 in the other parts of the ceded and conquered provinces, the rule contained in Section XVII, Regulation XLV, 1803; and the provisions contained in Regulation III, 1806, shall be considered to be in full force and effect. The ensuing settlements in the ceded and conquered provinces shall accordingly be made in Lucnow sicca rupees, to be adjusted according to the table of rates contained in Section V, of the latter Regulation.

[No]ne but the Lucnow [sic]cas to be received into the public treasuries after the expiration of the existing settlements unless authorized by a public proclamation of the Governor General in Council.

VII. As it may likewise be expected, that at the expiration of those periods, a sufficient quantity of Lucnow sicca rupees will be generally current, to answer the ordinary purposes of circulation, no rupees of sorts shall after that time be received into the public treasuries, unless the Governor General in Council shall deem it advisable to authorize by a public proclamation, the receipt of such rupees in particular districts, for a limited and specific period of time.

[T]he principle of the foregoing provisions extended to Cuttack, and the oper-

VIII. The principle of the foregoing provisions shall be considered to be in force in the district of Cuttack. The operation of the rule contained in Section XIII,

Regulation

Regulation XII, 1805, which directs, that the various rupees of sorts shall be received at the treasuries in payment of the public revenue, until the expiration of the Willaity year 1215, according to the table of rates contained in Section XIV, Regulation XXXV, 1793, is accordingly suspended; and such rupees shall be received until the expiration of that period, at the rates of batta at which such rupees have hitherto been respectively received.

ation of Section 3 Regulation XII, suspended.

IX. On the expiration of the Willaity year 1215, the ensuing settlement of Cuttack shall be made in Calcutta sicca rupees, to be adjusted according to the table of rates contained in Section XIV, Regulation XXXV, 1793. On the principle likewise stated in Section IV of this Regulation, the collector of Cuttack shall send from time to time such portion of the rupees of sorts which may be received into his treasury, to the mint at Calcutta to be re-coined into siccas, as can conveniently be done without impeding the general circulation of the district; and the remainder shall be issued at the rates at which they may have been received by government. On the expiration of the year 1215, no rupees excepting Calcutta siccas of the nineteen sun shall be received into the public treasury, unless the Governor General in Council deem it necessary to dispense with the observance of that rule by a public proclamation for a specific and limited period of time.

After the expiration of the existing settlement the ensuing settlement of Cuttack to be made in Calcutta sicca rupees, to be adjusted according to the table of rates contained in Section XIV, Regulation XXXV, 1793.

Rules as to remitting rupees of sorts for re-coinage, and the re-issue of such as may be necessary.

None but Calcutta sicca rupees to be received after the expiration of the existing settlement, unless authorized by public proclamation.

X. The rules ordered to be observed in the district of Cuttack, shall likewise be considered to be in force in the purgunnahs of Puttaspore and other late dependencies of that district now annexed to the zillah of Midnapore, in so far as regards the receipt of rupees of sorts from the landholders and farmers; but as the rupees of sorts which may be received on account of the revenue of those mohauls, cannot be very considerable, the whole shall be immediately remitted to the mint at Calcutta, to be re-coined into siccas.

The above rules as to Cuttack, to be in force in the late Marhatta purgunnahs annexed to Midnapore, but all rupees of sorts received from those purgunnahs to be remitted for re-coinage.

A. D. 1807. REGULATION V.*

A REGULATION *for amending Regulation VI, 1799, providing rules for the cultivation of the Poppy and the provision of Opium in the provinces of Bengal, Behar, Orissa and Benares.*—PASSED *by the Governor General in Council, on the 19th of March 1807; corresponding with the 7th Chyte 1213 Bengal era; the 25th Phaugun 1214 Fusly; the 7th Chyte 1214 Willaity; the 10th Phaugun 1863 Sumbut; and the 9th Mohurrum 1222 Higeree.*

NO provision having been made in Regulation VI, 1799, for commuting the penalties prescribed by Sections IX, XV, and XVII, of that Regulation, to imprisonment for a limited period, when the person liable to such penalties may be unable to discharge the same, instances have occurred in which offenders convicted of illegal cultivation of the poppy, or of the contraband sale of opium have suffered imprisonment more than adequate to the degree of their offence. It has therefore been deemed expedient to provide for a commutation of the stated penalties in such cases. It has also been considered proper to provide rules for the punishment of persons giving groundless and false information under the Regulation abovementioned; and for empowering the civil courts to conduct enquiries made under the Regulation abovementioned in a summary manner. The following rules, &c. are accordingly enacted, to be in force from the time of their promulgation, in the provinces of Bengal, Behar, Orissa, and Benares.

The same process to be issued for the recovery of penalties adjudged under the Regulation herein quoted as is prescribed for enforcing decrees of court.

II. If a person convicted of any of the offences specified in Sections IX, XV, and XVII, Regulation VI, 1799, shall refuse or omit to discharge the penalty which shall have been imposed upon him, the judge shall proceed to levy the amount of the penalty by issuing the same process against the property of the offender, as is prescribed for enforcing other decrees of court. If property belonging to the offender sufficient to make good the penalty shall not be found, the judge shall commit him, for such period as he shall think proper, not exceeding six months to confinement in the jail for debtors, or in the fouzdarry jail.

What punishment the offender is to suffer if property sufficient to discharge the penalty be not found.

How a judge is to proceed against persons giving false information against others for being concerned in dealings in contraband opium, or in the illicit cultivation of the poppy.

III. Whenever the judge shall deem any information lodged against persons for being concerned in dealings in contraband opium, or in the illicit cultivation of the poppy, to be groundless and false, he shall cause the informer to make good to the person accused, all charges which may have been incurred by him in consequence of the false information so lodged against him, together with such damages as the court shall deem it just to award upon consideration of the circumstances of the case.

* The whole of this Regulation is rescinded by Regulation XIII, of 1816.

IV.

All enquiries under this Regulation, and Regulation VI, 1799, to be summary.

IV. All enquiries, made under this Regulation, or under Regulation VI, 1799, shall be conducted in a summary manner by the judge before whom the information shall be given; subject to the general rules for appeal from his decisions to the provincial court of appeal.

A. D. 1807. REGULATION VI.*

A REGULATION *for restricting the partition of small estates paying revenue to government.*—PASSED *by the Governor General in Council, on the 2d April* 1807; *corresponding with the 21st Chyte* 1213 *Bengal era; the 10th Chyte* 1214 *Fusly; the 21st Chyte* 1214 *Willaity; the 10th Chyte* 1864 *Sumbut; and the 23d Mohurrum* 1222 *Higeree.*

WHEREAS under the provisions contained in Regulations I and XXV, 1793, persons holding shares of estates paying revenue to government, are entitled to a separation of such shares, and on the completion of the butwarrah by the officers of government, and on the confirmation of it by the Governor General in Council to hold the same as distinct mehauls, subject to the just proportion of the public assessment; and whereas considerable loss and inconvenience have been experienced in the collection of the public revenue from the too minute subdivision of landed property; the following rules have been enacted, to be in force from the time of their promulgation, throughout the territories immediately dependent on the presidency of Fort William. Preamble.

II. No estate, the sudder jumma of which may be less than one thousand rupees, shall be liable to be divided into two or more distinct estates. No estate of less than one thousand rupees sudder jumma, liable to be divided.

III. In cases in which the jumma of an estate may exceed sicca rupees one thousand, no division of the land shall be made; unless each and every portion proposed to be divided, shall be liable to be assessed with a sudder jumma of not less than five hundred sicca rupees. No estate to be divided, unless the jumma of each share amount to rupees 500.

IV. Nothing contained in this Regulation shall be construed to restrict the operation of the established laws of inheritance, with regard to landed property; nor to prevent any zemindar, independent talookdar, or other actual proprietor of land, paying revenue to government, from selling, giving, or otherwise disposing of his share of, or interest in, any estate; nor to preclude the sale thereof, in satisfaction of any decree which may be passed against the proprietor by the courts of judicature; but the person to whom such share or interest may devolve, shall hold the same as a part of a joint undivided estate; unless the land so obtained, and each of the other shares of the said estate, shall be liable to be assessed with a jumma of not less than five hundred sicca rupees. Rule as to persons purchasing or inheriting shares of estates.

* The whole of this Regulation is rescinded by Regulation XIX of 1814.

A. D. 1807. REGULATION VII.

A REGULATION *for making certain alterations in the provisions which have hitherto been in force in the province of Benares, respecting persons paying or wishing to pay their revenue directly to the treasury of the collector, instead of paying it through the medium of a tehseeldar.*—PASSED *by the Governor General in Council, on the 16th April* 1807; *corresponding with the 5th Bysaak* 1214 *Bengal era; the 24th Chyte* 1214 *Fusly; the 5th Bysaak* 1214 *Willaity; the 9th Chyte* 1864 *Sumbut; and the 7th Suffer* 1222 *Higeree.*

Preamble.

WHEREAS it is provided in Section XXIV, Regulation II, 1795, that whenever the zemindars in the province of Benares may wish to become huzoory, that is, to pay their revenue directly to the collector's treasury, instead of paying it through the medium of a tehseeldar, such zemindars shall be entitled "to one "moiety of the aumil's deyek and bhurray on account of the revenue payable by "them for the purpose of enabling them to furnish the required maul, fael, and "hazir zaminy of security, for the punctual discharge of their revenue; for their "peaceable depertment; and for their appearance whenever their attendance may "be required;" and whereas it has been considered to be advisable in future, to dispense with any such security on the zemindars becoming huzoory; and whereas, the continuance of the above mentioned provision respecting the moiety of the deyek and bhurray is consequently no longer necessary, the following rules have been enacted, to be in force from the time of their promulgation in the province of Benares.

Such parts of Section XXIV, Regulation II, 1795, or any other Regulation relating to security for zemindars in Benares on becoming huzoory, rescinded.

II. Such part of Section XXIV, Regulation II, 1795, and of any other section of that or of any other Regulation in force in the province of Benares as requires that security shall be taken from the zemindars on their becoming huzoory, either for their personal appearance, or for their peaceable deportment, or for the punctual discharge of their revenue, is hereby rescinded; and no such security shall be required or taken in future; the lands themselves being deemed sufficient security for the public revenue, and the zemindars being of course amenable to the general laws of the country, for their peaceable and proper demeanour. Such part of Section XXIV, Regulation II, 1795, as directs, that the zemindars in the province of Benares shall be entitled to a moiety of the aumil's deyek and bhurray, to enable them to furnish the said security, is likewise hereby rescinded.

Zemindars on becoming huzoory, shall have no claim to any part of the deyek and bhurray.

III. Whenever any zemindar shall become huzoory after the promulgation of this Regulation, he shall pay the amount of the revenue specified in the engagements contracted by him with government, directly to the treasury of the collector, and

shall

shall not be considered to have any claim upon government on account of the moiety of the deyek and bhurray mentioned in the preceding section, or on account of any part thereof.

Zemindars desirous of becoming huzoory, shall apply to the collector, who shall comply with the application, if no objection exists. Rules in cases of objection.

IV. Whenever any zemindar may be desirous of paying his revenue directly to the collector's treasury, the collector shall immediately comply with the application, unless he may be of opinion, that in consequence of the situation of the lands, or of other circumstances, public inconvenience will be experienced from that arrangement; in which case, he shall furnish the Board of Revenue (a) with the necessary report on the subject, who are hereby empowered to determine, whether the zemindar shall in future pay his revenue directly to the treasury of the collector, or through the medium of the tehseeldar, as heretofore.

Zemindars becoming huzoory, to be responsible for the apprehension of offenders and the support of the police within the limits of their estates.

V. (b) *Whenever a zemindar may become huzoory, he shall be considered responsible directly to the magistrate for the apprehension of public offenders, and for the support of the police generally within the limits of his estate. This provision of course supersedes such of the rules at present in force in the province of Benares, as subject the zemindars in the discharge of that duty to the control of the tehseeldars. In other respects, the provisions in question respecting the duties to be performed by the zemindars in the maintenance of the peace within their respective estates, and the responsibility which attaches to them on that account, are to be considered to be in full force and effect.*

Tehseeldars not entitled to the deyek and bhurray in such estates.

VI. As the tehseeldars will, by the operation of the foregoing rules, be relieved from all duty and responsibility, with respect to the support of the police within the limits of estates which may henceforward become huzoory, they will not of course be considered entitled to any part of the deyek and bhurray, at present receivable by them on account of such estates. (c)

(a) To the Commissioner in Behar and Benares appointed under Regulation I, 1816, instead of the Board of Revenue.

(b) Rescinded by Regulation XIV, 1807, Section II, Clause II.

(c) The charge of the police in the province of Benares has been resumed by the government, and the allowance heretofore made to tehseeldars or landholders for their duty and responsibility as officers of the police, of one and a half per cent on the amount of the revenue collected by them, known by the terms *deyek and bhurray*, is now receivable by the government, and applied towards the expenses of the police of the province of Benares. See Regulation XIV, 1807, Section XIV.

A. D. 1807. REGULATION VIII.*

A REGULATION *for modifying certain parts of Regulation XIII*, 1806, *respecting stampt paper.—*PASSED *by the Governor General in Council, on the* 16*th April* 1807; *corresponding with the* 5*th Bysack* 1214 *Bengal era; the* 24*th Chyte* 1214 *Fusly; the* 5*th Bysack* 1214 *Willaity; the* 9*th Chyte* 1864 *Sumbut; and the* 7*th Suffer* 1222 *Higeree.*

Preamble.

WHEREAS delay and inconvenience have been experienced in the issue of stampt paper, from the operation of the rule contained in Section II, Regulation XIII, 1806, which directs, that the superintendant of stamps shall specify, or cause to be specified, the date of the authentication of the said paper; And whereas it will not be practicable to furnish the several collectors with a sufficient supply of stampt paper, authenticated by the signature of the superintendant, or his assistant, within the period specified in Section X, of the abovementioned Regulation, to enable them immediately to conform to the provision contained in that section, which requires, that after one year from the date of the said Regulation, all stampt paper shall be authenticated by the signature of the superintendant, or his assistant; the following rules have been enacted, to be in force, as soon as promulgated, in the whole of the provinces immediately subject to the presidency of Fort William.

Part of Section II, Regulation XIII, 1806 rescinded

II. Such part of Section II, Regulation XIII, 1806, as directs, that the superintendant of stamps shall specify, or cause to be specified, the date of the authentication of the stampt paper, which may be issued from his office, is hereby rescinded.

Sections X, and XI, Regulation XIII, 1806, rescinded.

III. Sections X, and XI, Regulation XIII, 1806, are likewise hereby rescinded, and the following rule shall be in force in lieu of the provisions contained in those sections.

Rules as to the stampt paper already issued, and proclamation to be made when the collectors shall have been supplied with authenticated stampt paper.

IV. The whole of the stampt paper already issued by the superintendant of stamps (whether it shall have been authenticated with the signature of himself, or of his assistant, or otherwise,) shall be liable to be sold and used, with the exception of such quantity as the superintendant, with the sanction of the Board of Revenue, may direct to be returned to the presidency, for the purpose of being authenticated in the manner prescribed in Section II, of the abovementioned Regulation. But whenever the collectors shall have been furnished with an adequate supply of stampt paper so authenticated, the superintendant shall report the same through the Board of Revenue to government. On receipt of such report, the Governor General in Council will cause a proclamation to be issued in the several zillahs, notifying that any deed, instrument, petition, pleading, or other document required by the Regulations to be

* The whole of this Regulation is rescinded by Regulation I of 1814.

written

written on stampt paper, (with the exception of the rowannahs specified in Section III, Regulation XIII, 1806,) which may be signed or executed after the date of the said proclamation, shall not be considered to be executed in the manner prescribed by the Regulations, unless it be written on stampt paper, bearing the signature of the superintendant of stamps, or of his assistant: And the courts of judicature and other public authorities, are hereby required to conform to the tenor of such proclamation.

All unauthenticated paper on hand at the time of the proclamation to be returned to the superintendant to be authenticated.

V. Any stampt paper which may remain in the charge of the collectors, or of their agents, not authenticated by the signature of the superintendant, or of his assistant, at the time of the proclamation, shall be immediately transmitted to the superintendant, for the purpose of being authenticated in the prescribed form.

A. D. 1807. REGULATION IX.[a]

A REGULATION *for explaining and amending the existing rules of criminal process, and for defining in certain cases the powers and duties of the police officers of the zillah and city magistrates, and of their assistants, of the courts of circuit and of the court of Nizamut Adawlut.*—PASSED *by the Governor General in Council, on the 12th May 1807; corresponding with the 31st Bysaak 1214 Bengal era; the 20th Bysaak 1214 Fusly; the 31st Bysaak 1214 Willaity; the 5th Bysaak 1864 Sumbut; and the 3d Rubbee-ul-awul 1222 Higeree.*

Preamble.

BY the rules in force for the guidance of the zillah and city magistrates and officers of the police, on the receipt of criminal charges, one uniform process is directed to be observed; a warrant is to be issued for the apprehension of the person complained against, and unless the crime charged be of a trivial nature, in which the police officer issuing the warrant, or the officer deputed to serve the magistrate's warrant, is allowed to accept bail for appearance before the magistrate, the accused must be brought in custody to the magistrate's court. It has indeed been explained to the magistrates that they are not restricted from making a previous inquiry, when they may see cause to distrust the truth of criminal charges preferred to them, and the immediate arrest of the party accused may appear unnecessary and objectionable. But it is expedient that an express and regular provision be enacted for this purpose; as well as for issuing a summons instead of a warrant, in cases that may not require the immediate apprehension of the party complained against, for dispensing with personal appearance to answer accusations of trivial offences, when the agency of a constituted representative may be sufficient, and for regulating the demand of bail, in cases wherein security for appearance may be required; also for dispensing with the personal attendance of parties preferring charges of a criminal nature when sufficient reason can be assigned for their non-attendance, and for obtaining more full and satisfactory information of the circumstances of heinous crimes committed, as well as promoting the discovery and conviction of persons guilty of such crimes by immediate and local inquiries, to be made through the officers of the police. With a view to the speedy trial and punishment, or acquittal of persons charged with offences not of a heinous nature, whom the magistrates are required by the existing Regulations to commit or hold to bail for trial before the courts of circuit, if there

(a) See Regulation XIV, 1807, entitled.—A Regulation for amending the system of police established in the Province of Benares and in the Ceded and Conquered Provinces within the divisions of Barelly and Benares: Also the Circular Orders of the Nizamut Adawlut, new edition, Page 15, No. 24, relative to the conduct of the business of the zillah and city criminal courts and of the police daroghas, and Page 25, No. 29, relative to the employment of goindahs in aid of the police.

appear

appear to be grounds for subjecting them to a more severe punishment than what the magistrates are authorized to inflict, under Sections VIII and IX, Regulation IX, 1793, and Sections VIII and IX, Regulation VI, 1803; as well as for obviating the second attendance of prosecutors and witnesses in such cases, it is judged expedient to enlarge the judicial powers of the zillah and city magistrates. But it is at the same time deemed proper to limit the exercise of judicial powers by the assistants to the magistrates, under the provisions made by Regulation XIII, 1797, and Section XVII, Regulation XII, 1803; and to render their judgments on criminal charges, in all cases, open to the revision of the zillah and city magistrates, as well as of the courts of circuit. Also to empower the latter to direct a further investigation by the magistrate in any instances which may appear to require it, instead of reporting in all cases, to the court of Nizamut Adawlut, as required by Section XVII, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795,) and Section XVII, Regulation VI, 1803; and to declare the competency of the court of Nizamut Adawlut, whenever it may appear requisite to call for the proceedings of the courts of circuit or magistrates, and pass such orders thereupon as that court may deem just and proper. It is further necessary, that an annual report be transmitted by the zillah and city magistrates to the court of Nizamut Adawlut, of all criminal cases depending before themselves or their assistants; also an annual statement of the number of robberies and other heinous crimes ascertained to have been committed, the number of persons known or supposed to have been concerned in the commission of such crimes; and the number apprehended or convicted, or committed for trial before the court of circuit. The following rules are accordingly enacted by the Governor General in Council, to be in force from the time of their promulgation, throughout the whole of the provinces subject to the immediate government of the Presidency of Fort William.

Part of Section V, Regulation IX, 1793, Section IV, Regulation XVI, 1795, and Section V, Regulation VI, 1803, rescinded.

II. So much of Section V, Regulation IX, 1793, Section IV, Regulation XVI, 1795, and Section V, Regulation VI, 1803, as provides, that on a complaint in writing being preferred upon oath to a magistrate for any crime or misdemeanor, the magistrate shall issue a warrant for the apprehension of the person complained against, is hereby rescinded, and the following rules are enacted in lieu thereof.

How a magistrate is to proceed on a complaint being preferred to him for any of the crimes herein specified, declared not bailable, or though the crime charged be of a heinous nature, but not expressly declared to be unbailable.

III. *First.* Upon a complaint, being preferred in writing, to a zillah or city magistrate, against any person subject to his jurisdiction, for treason, murder, robbery, house breaking, theft, setting fire to a village, house, or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace, or degree of criminality, as from the facts deposed to before the magistrate, may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate, on the truth of the charge being deposed to by

the

the complainant, or in the manner required by the following section, shall issue a warrant under his official seal and signature, specifying the crime charged; and directing the officer entrusted with the execution of it, to apprehend the person accused.

To issue warrant under his official seal and signature. What the warrant is to contain.

Second. The warrant shall be in the following form, and shall be directed to the nazir of the criminal court:—

Form of warrant, for apprehension.

" *To ——— Nazir of the Fouzdarry Adawlut of the zillah (or city) of ———.*

" Whereas ——— inhabitant of ——— stands charged on the oath (or solemn declaration) of ——— inhabitant of ——— with the crime of ———, you are hereby directed to apprehend the said ———, and produce him before the magistrate of the said zillah (or city); in this fail not. Dated the ——— day of ——— A. C. corresponding with ———."

Third. If the magistrate shall, in any bailable case, of the nature above described, judge it proper to authorize the officer, to whom the warrant is committed, to receive bail for appearance (with or without security for keeping the peace) it shall be so specified in the warrant, with the extent of the bail (and security) required, according to the following form:—

What to be specified in warrant, when bail, or security for keeping the peace, is to be taken.

" *To ———, Nazir of the Fouzdarry Adawlut of the zillah (or city) of ———.*

Form of warrant, in such cases.

" Whereas ——— inhabitant of ——— stands charged on the oath (or solemn declaration) of ——— inhabitant of ——— with the crime of ———, you are hereby directed to apprehend the said ———, and to require bail in the sum of sicca rupees ——— for his appearance before the magistrate of the said zillah (or city), on or before the ———. (You are further required to take security from the said ——— for keeping the peace, in the sum of Sicca Rupees ———.) If the said ——— shall not give the bail (and security) above stated, you are directed to bring him before the magistrate of the said zillah (or city); herein fail not. Dated this ——— day of ——— A. C. corresponding with ———."

Fourth. The bail to be taken, for appearance before the magistrate, shall be in the following form:—

Form of bail bond for appearance before the magistrate.

" Whereas ——— inhabitant of ——— stands charged with ———, and is required to appear before the magistrate of the zillah (or city) of ———, on or before the ———, to answer to such charge; I hereby bind myself to produce the said ——— before the said magistrate on the date aforesaid; and to be answerable for his appearance until a final order be passed by the magistrate upon the said charge; in default whereof, I further bind myself to forfeit to government the sum of rupees ———; in this I will not fail. Dated this ——— day of ——— A. C. corresponding with ———."

Fifth.

Form of security bond for keeping the peace.

Fifth. When security may be required for keeping the peace, it shall be taken in the following form; —

" Whereas ——— inhabitant of ——— stands charged with ———, and has been called upon to give security to keep the peace whilst such charge is under investigation, I hereby declare myself surety for the said ———, that he shall not commit any act that can occasion a breach of the peace, whilst the said charge is under examination; in default whereof, I further hereby bind myself to forfeit to government the sum of rupees ———. Dated this ———."

Personal attendance of complainant under certain circumstances herein described, not indispensable.

IV. The attendance and deposition of the complainant shall not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. (*b*) If the complainant be unable to attend in person, or if he were not himself present at the commission of the act complained of; his written plaint, presented by an authorized agent, and corroborated by the deposition on oath, (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present, or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same, and for issuing process against the party accused, unless the magistrate see reason for making the previous enquiry authorized by the following section, but no warrant for apprehension shall be issued at the instance of a complainant, unless the truth of the charge be deposed to, on oath, (or under a solemn declaration) either by the complainant himself, or by some other credible person. This shall not however be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear, upon the report of a police officer, or upon any other credible information.

Exception.

No warrant to be issued unless the charge be sworn to, or deposed to under a solemn declaration, either by the complainant or some other credible person.

Magistrate not restricted from issuing process for apprehension upon the report of an officer of police, or other credible information.

How the magistrate is to proceed, if he see cause to distrust the truth of a complaint.

V. If the magistrate see cause to distrust the truth of a complaint preferred to him, whether from the nature of the charge as manifestly improbable, exaggerated, or vexatious; or from the circumstances deposed to before him, considered with the known situation and character of the person accused; and if the immediate arrest of the party complained against appear unnecessary and objectionable; the magistrate is authorized to postpone issuing his warrant for apprehension, and to cause a previous inquiry to be made, either by means *of the local police officers*, (*c*) or in such other

(*b*) Persons having criminal charges to prefer are required to attend in person, and *vakeels* or *agents* are not to be allowed to interfere, except in special cases. See Regulation III, 1812, Section III, and Regulation XXVII, 1814, Section XVII; Also No. 5, page 91, of the Circular Orders of the Nizamut Adawlut, new edition, explanatory of this rule.

(*c*) In all cases, whether the offence charged be of a serious or trivial nature, the magistrates are strictly prohibited from issuing any process without previously examining the prosecutor as to the specific facts of the case, and satisfying themselves that adequate grounds exist for issuing process against the accused, but particularly in cases wherein the magistrates may have grounds to distrust the truth of a charge. Enquiries towards this object, are not *on any account* to be committed to police darogahs or other police officers. See Regulation III, 1812, Section II, Clause VI.

other mode as he shall judge most proper for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of such inquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section III, he shall issue his warrant for apprehending the accused, as therein directed. But if the accusation appear groundless, or though well founded, if the offence be of a bailable nature, he is empowered, in the former case, to dismiss the complaint, or in the latter case, to direct bail to be taken from the accused, for appearance, in person, or by vakeel, (*d*) to answer the charge, as provided by the following section.

VI. *First.* Upon a complaint in writing being preferred to a zillah or city magistrate, against a person subject to his jurisdiction for any bailable crime, or misdemeanor, which may not appear to require the immediate apprehension of the accused, the magistrate, upon the party complaining, making oath, (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath (or declaration), if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, (*e*) shall issue a summons, under his official seal and signature, to be served through the fouzdarry nazir, by a single chaprassy, or peon, or in the manner prescribed for the service of civil process by Clause Second, Section II, Regulation II, 1806, if practicable and deemed expedient; or in the mode directed by the rules in force for serving warrants on charges of bailable offences against persons employed in the salt department, or in the provision of the Company's investment, if the party complained againt be so employed.

How a magistrate is to proceed against a person charged with a bailable offence.

To issue a summons under his seal and signature to be served by a single chaprassy or peon, or in certain cases in the modes herein referred to.

Second. The summons in all such instances shall specify the offence with which the accused is charged, and shall according to the circumstances of the case contain a requisition to attend either in person or by vakeel (*f*) to answer to the charge, on or before a certain day to be stated in the summons according to the following form:

What the summons is to contain.

Form of summons.

" *To* ——— *Inhabitant of* ———.

" Whereas a complaint has been preferred on oath (or solemn declaration) by ——— inhabitant of ———, charging you with the crime of ———, you are hereby required to appear (in person or by vakeel) before the magistrate of the zillah or city of ———, on or before the ——— day of ———, to answer to the said

(*d*) Regulation XXVII, 1814, Section XVII, prohibits vakeels, or authorized pleaders, from being employed as agents or mokhtars in the zillah and city criminal courts, without the previous sanction of the magistrates of those courts. See the Note (*f*) following.

(*e*) See the Note to Section IV, of this Regulation.

(*f*) See the Note (*d*) to Section V, of this Regulation. *Construction by the Nizamut Adawlut; 27th August,* 1818. It was not intended by this Clause, nor by Regulation VI, 1818, Section III, Clause IV, that the vakeel therein referred to, must necessarily be one of the established pleaders of the civil court.

said charge. Herein fail not. Dated the ——— day of A. C. corresponding with

Form to be substituted, when bail is required.

Third. If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, as follows:—

" *To* ——— *inhabitant of* ———.

" Whereas a complaint has been preferred on oath (or solemn declaration) by ——— inhabitant of ———, charging you with ———, you are hereby required to appear (in person or by vakeel) before the magistrate of the zillah (or city) of ———, on or before the ———, to answer to the said charge. You are further required to give bail in rupees, ——— for your appearance (in person or by vakeel) on the day aforesaid. Herein fail not. Dated the ——— day of

A. C. corresponding with

Bail bond to correspond with that prescribed in Clause Fourth of Section III.

Fourth. The bail to be taken for appearance before the magistrate in pursuance of the above clause, shall correspond with the form prescribed by Clause Fourth of Section III, of this regulation.

How a magistrate is to proceed if the accused on whom a summons may have been served, shall not attend in person or by vakeel, and give bail, if required.

VII. If an accused person, on whom a summons shall have been served, as provided in the preceding Section, and in Section XIII of this Regulation, shall not attend in person, or by vakeel, and give bail (if required) according to the exigence of the summons within the period limited by it, the magistrate shall issue a warrant under his official seal and signature, for the apprehension of the accused, and if he abscond, shall proceed against him, in the manner directed by Section IV, Regulation XI, 1796, and Section IV, Regulation III, 1804.

In what cases bail for personal appearance shall not be required in the first instance.

But may be required at any time during the investigation.

How an officer entrusted with the serving of a summons is to proceed.

In what cases the officer serving the summons shall be instructed to receive a razeenamah, if acquiesced in by the defendant as a sufficient return to the process entrusted to him.

Provided that except in the trivial cases noticed, no razeenamahs shall be

VIII. In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays, in which there may be no reason to apprehend, that the party complained against will abscond, bail for appearance shall not be required in the first instance; but may at any time during investigation of the charge, be called for by the magistrate, if any circumstances should occur to render it necessary. The officer entrusted with the service of the summons in such cases, as well as in all other cases, wherein bail may not be required, shall demand only an acknowledgement of the receipt of it; and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgement for the party. The officer serving the summons, in such instances, as well as in all cases, wherein the magistrate may deem it proper to admit the private adjustment of the parties, shall be further instructed on the tender of a razeenamah, expressing the plaintiff's desire to withdraw his complaint, and the defendant's acquiescence in the complaint being withdrawn, to receive such razeenamah, as a sufficient return to the process committed to him. But excepting the trivial cases noticed in this section, no rezeenamah shall be received without the special

cial sanction of the magistrate, nor shall any private compromise be admitted by the magistrate, in crimes of a heinous nature, such as, on conviction may require exemplary punishment for the ends of public justice. (g)

received without the sanction of the magistrate; nor shall a magistrate admit any compromise in crimes of a heinous nature.

IX. *First*. In explanation of Section VII, Regulation IX, 1793, and Section VII, Regulation VI, 1803, it is hereby declared, that no species of homicide, except murder, is included in the provisions, which forbid the admission to bail of persons accused of murder. If the charge be for manslaughter, or any species of illegal homicide, not involving the crime of murder, the magistrate is authorized to proceed in the first instance, either by warrant for taking into custody, or by summons requiring bail, as he may judge proper, on consideration of the circumstances of the case, and of the condition and character of the party accused. After the enquiry directed by Section V, Regulation IX, 1793, and Section V, Regulation VI, 1803, if the magistrate shall be of opinion, that the facts and circumstances in evidence, do not establish the crime of murder, but that there is sufficient ground, for bringing the person complained against to trial, before the court of circuit, on a charge of manslaughter or other culpable homicide, the party shall be held to bail, for appearance before the court of circuit; but the magistrate is authorized to release the accused, if the homicide in which he may appear to have been concerned, shall, from the whole of the evidence, be clearly shewn to have been accidental or justifiable, under the Mahomedan law and the Regulations. (h)

Declaration that under the rules against admission to bail contained in Regulations IX, 1793, and VI, 1803, no species of homicide except murder is included.

How a magistrate is to proceed if the charge be for manslaughter or illegal homicide not amounting to murder.

How a magistrate is to proceed if the facts and circumstances do not establish the crime of murder.

If the homicide appear clearly to have been accidental or justifiable under the Mahomedan Law and Regulations, the magistrate is authorized to release the accused.

Second. The principle of the preceding clause, is also declared applicable to persons appearing, from the magistrate's enquiry, to have been only privy, or incidentally accessary to crimes of a heinous nature, without being concerned therein, either as principals or as aiding and abetting, procuring or instigating the perpetration thereof, and in all cases, whether of trial before the magistrate or before the court of circuit, if the admission of bail have not been prohibited by the Regulations, and the bail tendered shall appear sufficient, for securing the appearance of the party accused, he shall be admitted to bail, until sentence be passed upon the charge against him; moreover, in special instances, wherein the court of circuit, on a report from the magistrate, or on other satisfactory information before them, may deem it just and proper to admit to bail, a person charged with an offence not bailable under the general provisions contained in the Regulations, that court is declared competent to instruct the magistrate to accept sufficient bail, instead of keeping the accused in confinement, whilst the charge against him is under trial. The court of circuit may

Principle of the foregoing section applicable to persons privy to or incidentally accessary to heinous crimes.

Bail, if sufficient to secure attendance, may be admitted in all cases not prohibited by Regulations.

Court of circuit in certain cases may direct the magistrate to admit to bail persons accused of offences not bailable under the Regulations, and may direct the magistrates, in cases wherein excessive bail may have been required by them to receive such bail as may by court of circuit be deemed sufficient.

(g) See the Circular Orders of the Nizamut Adawlut, new edition, No. 54, Page 135, regarding the incompetency of the Courts of Circuit to admit a razeenamah between parties in a criminal case, after commitment for trial by a magistrate.

(h) *Construction by the Nizamut Adawlut.*—The Court was of opinion under this Clause, that all cases of culpable homicide should be brought before the Court of Circuit; and, consequently, when an affray may be attended with culpable homicide, the case would exceed the competency of the magistrate.

likewise,

likewise, in all bailable cases wherein the bail required by the magistrate, shall appear excessive, direct the magistrate to receive such bail as may be deemed sufficient to answer the purpose intended by it. (i)

Form of bail bond, for persons to be tried before the courts of circuit.

X. The bail to be taken under the preceding section, as well as in all cases of persons being held to bail for trial before the courts of circuit, shall be in the following form:—

Whereas ——— inhabitant of ———, stands charged with ———, and has been admitted to bail by the magistrate of ———, on condition of his appearance, to stand his trial on the said charge, before the court of circuit for the division of ———, I hereby bind myself to produce the said ——— before the said court of circuit at their next session for the zillah (or city) of ———, on the date whereupon his appearance may be required, either by a general proclamation, or by a special notice, from the magistrate, and to be answerable for his appearance before the court of circuit, until a final sentence be passed upon the said charge; in default whereof, I further bind myself to forfeit to government, the sum of rupees ———; in this I will not fail. Dated ———.

Parts of Section VII, Regulation XXII. 1793, Section VII, Regulation XVII, 1795, and Section VII, Regulation XXXV, 1803, rescinded.

XI. So much of Section VII, Regulation XXII, 1793, Section VII, Regulation XVII, 1795, and Section VII, Regulation XXXV, 1803, as requires police darogahs *and tehseeldars, vested with the charge of the police,* on receiving a written accusation of any crime or misdemeanor, to apprehend the person accused; and if charged with a heinous crime, to send him, in safe custody, to the magistrate, within twenty-four hours; or if charged with an offence upon which the magistrates are authorized to pass sentence, to take security for his appearance on a specific day, before the magistrate, is hereby rescinded, and the following rules are enacted in lieu thereof.

How a police darogha, tehseeldar or landholder, invested with the charge of the police, or any other police officer, duly empowered, is to proceed on a complaint in writing for any of the heinous offences herein set forth.

XII. *First.* Upon a complaint being preferred in writing, to a police darogha, *or to a tehseeldar,* (j) or landholder, vested with the charge of the police, or to any other police officer authorized to receive the same, against any person subject to his jurisdiction, for any crime of a heinous nature, such as murder, robbery, house breaking, theft, setting fire to a village, house or other building, or any crime involving a dangerous breach of the peace, such as a violent affray, or assembling persons to commit an affray, or any similar offence, requiring the immediate apprehension of the offender; and on the complainant or any other credible person or persons, acquaint-

(i) The Court of Circuit is competent to hold to bail, or direct the magistrate to do so, a prisoner whose trial may be referrible to the Nizamut Adawlut, inconsequence of the Court of Circuit not concurring in the futwah of its law officer for the conviction of the prisoner. See Regulation XIV, 1810, Section VII.—*Construction by the Nizamut Adawlut; 22 October*, 1812.—Whether the Courts of Circuit were restricted from accepting bail themselves under this Clause?—the court observed, that cases might arise, though rarely, which would warrant the Courts of Circuit in accepting bail themselves in the first instance, but that such cases cannot be provided for by any general instructions; and, when they occur, must depend on their own peculiar circumstances.

(j) The tehseeldarry system of police has been abolished. See Regulation XIV, 1807, Sections II and III.

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ed with the case, deposing on oath (or under a solemn declaration) to the truth of the complaint, the darogha, or other police officer shall, by a warrant under his official seal and signature, cause the person accused to be apprehended; unless any special reason appear why the issue of process for apprehending the party accused should be stayed, until the charge be reported for the orders of the magistrate, in which case such report shall be made without delay.

Second. The warrant for apprehension to be issued by a police darogha, or other police officer, shall be in the following form; and shall be directed to the jemadar, or other officer by whom it is to be executed:— **Form of warrant to be issued by police officers.**

" *To*———

" Whereas ——— inhabitant of ———, stands charged on the oath (or solemn declaration) of ——— inhabitant of ——— with the crime of ———; you are hereby directed to apprehend the said ———, and produce him before me. In this fail not. Dated———."

Third. If the offence charged be not bailable, or though bailable, if sufficient bail be not tendered by the party accused, on his apprehension, the darogha, or other police officer, shall send him in safe custody to the magistrate, within twenty-four hours after apprehending him; or as soon afterwards as circumstances may admit, under the provisions contained in Section XVII, of this Regulation. **In what cases, persons apprehended to be sent to the magistrate, and within what time.**

Fourth If the offence charged be of a bailable nature, and sufficient bail be tendered for appearance before the magistrate, the darogha, or other police officer, shall accept such bail; and shall immediately release the party apprehended. **In what cases bail to be taken and party released.**

Fifth. Provided, that if it appear necessary to take security from the party apprehended, for keeping the peace, in addition to bail for his appearance, such security may be required; but it shall not be demanded without manifest and urgent necessity. **Provision for taking security to keep the peace, if necessary.**

Sixth. The bail to be taken for appearance before the magistrate, in pursuance of Clause Fourth of this section, shall be in the form prescribed by Clause Fourth of Section III. **Bail to be in form prescribed by Clause Fourth of Section III.**

Seventh. When security may be required for keeping the peace, it shall be taken in the form prescribed by Clause Fifth, of Section III, of this Regulation. **Security for keeping the peace, to be also as prescribed in that section.**

XIII. *First.* Upon a complaint in writing being preferred to a police darogha, *or to a tehseeldar*(*k*) or landholder, vested with the charge of the police, or to any other police officer, authorized to receive the same, against a person subject to his jurisdiction, for any bailable crime, or misdemeanor (*l*) which may not require the immediate apprehension of the accused, the police officer receiving such complaint, upon the party **How a police darogha, tehseeldar, or landholder intrusted with the charge of the police, or other police officer duly empowered, is to proceed upon a complaint in writing for any bailable offence, upon the complainant or other credible per-**

(*k*) See the last note.

(*l*) Police officers are not now competent to receive charges or complaints of misdemeanors, of the nature of those specified in Regulation VII, 1811, Section II, Clause II.

son making oath to the truth of the charge or deposing to it if his rank, or cast entitle him to exemption from taking an oath, to issue a summons under his official seal and signature, and how it is to be served.

party complaining making oath, (or a solemn declaration, as the case may be) to the truth of the complaint, or without such oath (or declaration) if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge to be deposed to by some other credible person or persons, shall issue a summons, under his official seal and signature, to be served through a single burkundaz, or peon; or through any known and accredited agent of the party complained against, who may be on the spot, and willing to receive the same in behalf of his principal; or in the mode directed by the rules in force for serving warrants on charges of bailable offences, against persons employed in the salt department, or in the provision of the Company's investment, if the person complained against be so employed.

What the summons is to contain.

Second. (m) The summons shall specify the offence charged, and if it be of a trivial nature, such as abusive language, a slight trespass, or an inconsiderable assault, for which bail is not demandable, in the first instance, under Section VIII of this Regulation, shall merely require the accused to attend in person or by vakeel, and answer the charge, before the zillah or city magistrate, on a specific date to be fixed, so as to afford the accused, a reasonable and sufficient time for that purpose.

What the summons is to contain if the charge be of a more serious nature.

Third. If the charge be of a more serious nature, and such as may appear to require bail, to secure the appearance of the party accused, either in person or by vakeel, before the magistrate, the summons shall also specify the bail to be given; which, in no case, is to exceed what may be sufficient to prevent the party's absconding, before the case shall come before the magistrate, who will then issue such further process, or orders, as he may judge proper.

Forms of summonses to be observed under this section.

Fourth. The forms of summonses prescribed in Clauses Second and Third, of Section VI, shall be observed for the summons to be issued by the police officers, under this section.

What form of bail bond, to be taken.

Fifth. The bail to be taken for appearance before the magistrate, shall also correspond with the form prescribed in Clause Fourth, of Section III, of this Regulation.

The rules in Section VIII, declared to be applicable to the service of summonses issued by the officers of police, and to the receipt of acknowledgements and razeenamahs by them; or by the person charged with the process.

Provided, that no process shall be issued by an officer of police on charges of adultery, fornication, or any other offence not involving a breach of the peace.

XIV. *First.* The provisions contained in Section VIII, of this Regulation, with respect to the service of summonses issued by the magistrates, and the receipt of acknowledgements, or razeenamahs, in the cases therein specified; shall be considered equally applicable to the service of summonses, issued by any officer of the police, and to the receipt of acknowledgements or razeenamahs, by the police officer issuing the summons; or by the person deputed to serve it. (n) But it is hereby provided, that no summons or other process shall be issued by any police officer, without special instructions from the magistrate, on any charge of adultery, fornication, calumny, or other offence, not involving a breach of the peace. *In such cases, the police*

(m) Rescinded by Regulation VII, 1811, Section II.

(n) Those cases wherein a razeenamah is admissible, are not now within the cognizance of police darogahs, or other police officers. - See Regulation VII, 1811, Section II.

darogha,

darogha, or other police officer receiving the complaint, shall merely take the oath (or solemn declaration) of the complainant thereto, and shall transmit the same to the magistrate for his orders. (o)

How the officers of police are to proceed in such cases.

Second. Whenever a summons, or other criminal process, may be served by a burkundaz, chaprassy, or other public officer, receiving wages from government (and such officers are to be employed in serving all criminal processes, especially in cases of a heinous nature, as far as circumstances may admit), no diet money, or other allowance or gratuity, shall be demanded or received, from the complainant or accused, whether the case be adjusted by razeenamah or otherwise; and the demand or receipt of such, by any public officer, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence, on conviction before the magistrate, or court of circuit. The offender shall also be compellable, either by a criminal prosecution, or by a civil action, to refund the amount received; besides being liable to immediate dismission from office, under the provisions contained in the existing Regulations.(p)

Burkundazes, chaprassees or other public officers in the pay of government charged with the serving of process, prohibited from demanding or receiving diet money from the parties.

Penalties for a breach of this prohibition.

Third. When peons, or other persons not receiving wages from government, may be unavoidably employed in serving any criminal process, they shall be authorized by the magistrate to demand and receive tullubanah, at the rate of two annas per diem, (or three annas in districts where such higher rate may be usual and necessary) during the time they may be so employed; and shall not demand nor receive more, upon any pretence whatever, under the penalties above stated, with respect to public officers receiving wages from government. The tullubanah, in such cases, shall be paid, in the first instance, by the party or parties, at whose instance the process is issued (unless the charge be of a heinous nature, and the magistrate deem it proper, that the necessary expense of process be paid on the part of government,) subject to reimbursement from the accused, if the charge be established, under the discretion vested in the criminal courts by Section VIII, Regulation XIV, 1797, and Clause Third, of Section XXXIX, Regulation VII, 1803. (q)

Peons or other persons not in the pay of government, to receive two annas per diem whilst employed in serving process, and no more upon any pretence.

Exception;

And are declared liable to the same penalties for a breach of this rule as abovementioned.

Tullubanah to be paid by the person at whose instance the process is issued, subject to reimbursement by the accused, if the charge be proved.

Exception.

XV. *First.* Instead of taking security from prosecutors and witnesses, to appear before the magistrate, as required by Section IX, Regulation XXII, 1793, Section IX, Regulation XVII, 1795, and Section IX, Regulation XXXV, 1803, the police officers shall hereafter take recognizances (mochulkas) from prosecutors

Recognizances to be hereafter taken by police officers from prosecutors and witnesses, instead of security.

(o). Rescinded by Regulation VII, 1811, Section II.

(p) Explained by Regulation VII, 1811, Section IV:—In criminal cases of a trivial nature, muzcoory peons should be employed, who are to receive tullubannah agreeably to the rules laid down in Regulation XXVI, 1814, Section XIV: Peons in the regular pay of government, are not to be employed in such cases, without its being unavoidable.

(q) Modified by Regulation VII, 1811, Section IV: See the last note: Further, the rules for the payment of tullubanah to persons who may not receive a fixed monthly salary from government, and who may be employed in the service of civil or criminal process, have been modified and added to by Regulation XXVI, 1814, Section XIV.

and

and witnesses, binding them to appear before the magistrate on a specific day, under penalty of paying such fine to government, as the magistrate may judge it proper to impose on their non-attendance; besides being subject to the charge of any process, which may be consequently issued by the magistrate to compel their appearance. (r)

Form of recognizances for prosecutors.

Second. The recognizances to be taken from prosecutors, should be according to the following form:

"Whereas I, inhabitant of ———, have complained to the police darogha of ——— (or other police officer), against ——— inhabitant of ———, charging him with ———, I hereby engage to appear before the magistrate of the zillah (or city) of ———, on or before the ———, to prosecute the said complaint; in default whereof, I further bind myself, to pay such fine to government, as the magistrate may judge proper to impose on me, as well as any expense that may be incurred, in consequence of my non-attendance, for compelling my appearance. In this I will not fail. Dated ———."

Form of recognizances for witnesses.

Third. Recognizances to be entered into by witnesses, for their appearance before the magistrate, shall be in the following form:

"Whereas ——— inhabitant of ——— has complained against ——— inhabitant of ———, charging him with ———, and I have been named as a witness for the complainant (or the defendant), I hereby engage to appear before the magistrate of the zillah (or city) of ———, on or before the ———, for the purpose of giving evidence; in default whereof, I hereby further bind myself to pay such fine to government, as the magistrate may judge proper to impose on me, as well as any expense that may be incurred, in consequence of my non-attendance, for compelling my appearance. In this I will not fail. Dated ———."

The prohibition contained in the Regulations herein quoted against police daroghas and tehseeldars making inquiry into complaints preferred to them, declared not applicable to the cases in the two following sections.

But to be in force with respect to all complaints in which the police officers are not authorized to make inquiry.

XVI. So much of Section XI, Regulation XXII, 1793, Section XI, Regulation XVII, 1795, and Section XI, Regulation XXXV, 1803, as prohibits the police daroghas *and tehseeldars, vested with the charge of the police,* from making any enquiry in cases of complaints preferred to them, is hereby declared not applicable to the cases, provided for by the two following sections of this Regulation; but shall be still considered in force, with respect to all complaints, which the police officers may not be especially authorized to enquire into, either by the Regulations, or by the orders of the zillah and city magistrates.

On the apprehension of any person upon a charge of murder, robbery or o-

XVII. When any person is apprehended, and brought before a police darogha, *or before a tehseeldar* (s) or landholder, vested with the charge of the police, or be-

(r) See the Circular Orders of the Nizamut Adawlut, new edition, No. 13, page 60, respecting the mode of procuring the attendance of prosecutors and witnesses.

(s) The tehseeldarry system of police has been abolished. See Regulation XIV, 1807, Sections II and III.

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fore any other police officer, authorized to issue a warrant of apprehension, upon a charge of murder, robbery, or other heinous crime, the examination of the prisoner, without oath, shall be taken, in the presence of three or more creditable witnesses, (who are to attest the examination) and in the event of his making a free and voluntary confession, he is to be questioned fully on the whole of the circumstances of the case; the persons concerned in the commission of the crime; and if any property have been stolen or plundered, the persons in possession of such property; or the place where it has been deposited. If any witnesses to the fact, or persons acquainted with the circumstances of the case be present, or on the spot, they shall also be questioned without oath, and the substance of any material information, obtained from them, shall be stated in a soorut-hal, or report, (t) to be authenticated by the attestation of the persons examined, and transmitted to the magistrate, under the signature of the police officer, by whom the enquiry may have been made. But no compulsion shall be used, either against parties or witnesses, for the purpose of obtaining the information specified in this section, or any other information whatever; neither shall a prisoner be persuaded, or threatened, nor any promise or hope of pardon be held out to him for the purpose of inducing him to confess; and any species of mal-treatment, to a prisoner or witness, by a police officer, or by any other person, will subject the offender to exemplary punishment, on conviction before the magistrate, or court of circuit. (v) The police darogha and other officers of the police, are hereby further prohibited, under penalty of immediate dismission from office, to detain any prisoners, without sending them to the magistrate, beyond such time as may be indispensably requisite for the enquiry authorized and directed in this section; and if from any cause, the enquiry cannot be completed within forty-eight hours, after the arrival of a prisoner at the cutcherry or station, of the police officer; the prisoner shall, notwithstanding, be sent to the magistrate with a report of the case, for such additional enquiry, or instructions, as the magistrate may judge necessary.

ther heinous crime by the officers of police herein specified, his examination to be taken in the presence of three or more credible witnesses who are to attest it.

Any witnesses present are also to be examined without oath, and the substance of their examinations to be reduced to writing, authenticated by the deponents, and transmitted to the magistrate under the signature of the police officers.

But no compulsion shall be u[illegible]d towards parties or witnesses, nor any persuasion, threat, nor promise or hope of pardon be used or held out to a prisoner to induce him to confess.

Any mal-treatment of a prisoner or witness will subject the offender to exemplary punishment.

Police officers prohibited from detaining prisoners longer than absolutely necessary for the purpose herein mentioned, under pain of immediate dismission from office.

Prisoner to be sent to the magistrate within forty-eight hours, although the inquiry directed be not completed, with a report of the case for instructions.

XVIII. By Section IX, Regulation IV, 1797, and Section XXV, Regulation XXXV, 1803, police daroghas, *tehseeldars* (u) and landholders, vested with the

Recapitulation of Section IX, Regulation IV, 1797, and Section XXV, Regu-

(t) See the Circular Orders of the Nizamut Adawlut, new edition, No. 11, page 52, in what cases, and in what mode, soorut-hauls are to be taken.

(u) See the Circular Orders of the Nizamut Adawlut, new edition, No. 20, page 11, respecting the precautions to be observed by magistrates and Courts of Circuit in taking the confessions of prisoners and examining the attesting witnesses; No. 22, page 14, respecting the exertions necessary to prevent confessions being extorted from persons accused, and the circumspection to be used in the employment of goindahs; No. 26, page 23, respecting the mode in which public officers are to attest confessions made before them; No. 10, page 51, respecting the mode in which confessions in the mofussil are to be taken, and No. 16, page 148, respecting police darogahs holding out encouragement to persons apprehended on criminal charges, to confess the same.—*Construction by the Nizamut Adawlut; 7th December*, 1814. Police darogahs do not at present possess authority to compel the appearance before them of persons acquainted with the commission of offences, but that it is the court's intention to submit to government a Regulation to invest such officers with such authority. (See Regulation XX, 1817.)

(u) The tehseeldarry system of police has been abolished. See Regulation XIV, 1807, Sections II and III.

charge

lation XXXV, 1803, respecting the holding of inquests.

charge of the police, and the principal local officers of police, acting under the two latter, are required to take inquests, as therein directed, in all cases of murder, or other unnatural death. (w) They shall also make it an invariable rule, whenever information is received by them of a recent robbery, or other violent crime, within their respective jurisdictions, to repair in person to the spot, or to send a fit person from among the officers acting under them, to ascertain the facts and circumstances of the case; and procure all the information, which it may be practicable to obtain, for the discovery and apprehension of the offenders.

Police officers invariably to proceed in person or to send a subordinate officer to enquire into the circumstances of every recent robbery or other violent crime, and to procure information.

Directions to police officers making such inquiries.

The police officers making such local enquiry, shall be careful to ascertain, and record the day and hour, when the fact was committed; the situation of the place; the names and descriptions of any persons, who may have been recognized, as the perpetrators of the crime; by whom such persons have been seen and known; and the names and descriptions of any persons suspected of being concerned in the offence committed, with the grounds of suspicion against them, also a full recital of the manner, in which the crime has been effected; and in cases of robbery, the articles of property stolen or plundered.

Inquiry to be committed to writing on the spot in the presence of three or more creditable people, and to be attested by them.

This inquiry shall be made, and committed to writing upon the spot; in the form of a soorut-hal or report, (x) and in the presence of three or more creditable people of the neighbourhood, by whom it shall be attested, and it shall be forwarded without delay, for the information of the magistrate.

Further directions to police officers in making these inquiries.

It shall further be the duty of the police officers, on such occasions, to apprise the persons present, that their suppression or denial of any knowledge, which they may possess, relative to the perpetrators of the crime, will tend to invalidate their testimony, in the event of their deposing to such knowledge at a future period: at the same time, giving encouragement to all persons, who may have been present at the commission of a crime, to make a full communication of every fact and circumstance, within their knowledge, respecting the offenders; and taking their information or evidence, with such precautions of secrecy, as may appear requisite, when persons supposed to have recognized any of the offenders, may appear to be deterred from publicly naming them, under fear of the consequences, if the parties named should not be apprehended.

Recital of the powers vested in the magistrates by the Regulations here quoted.

XIX. In addition to the powers, vested in the zillah and city magistrates, by Sections VIII and IX, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795,) and by Sections VIII and IX, Regulation VI, 1803, they are hereby further empowered, in all cases of conviction before them, of any crimi-

(w) See the Circular Orders of the Nizamut Adawlut new edition, No. 20, page 151, instructing the magistrates to hold inquests in all cases of prisoners committing suicide; No. 2, page 45, regarding the conduct to be observed by police officers and others, respecting persons wounded in such a manner as to render their removal hazardous; and No. 3, page 46, regarding engagements to be taken from the principal persons of villages, to hold and transmit to the magistrate inquests in cases wherein the police officers are prevented from attending.

(x) See the Note (t) to Section XVII of this Regulation.

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Magistrates further em-powered in the cases herein specified to pass sentence of imprisonment for six months with cor-poral punishment not ex-ceeding thirty rattans in cases of theft, or in other cases with a fine of two hundred rupees commut-able, if not paid, to further imprisonment not exceeding six months, so that the entire period of imprisonment by sen-tence of a magistrate do not exceed one year.

nal offence punishable under the Mahomedan law and the Regulations, for which the penalties authorized by the sections above quoted, may appear insufficient, or to which the rules referred to, may not be expressly applicable, and for which a more severe punishment, than six months' imprisonment, with thirty rattans, or a fine of two hundred rupees, may not have been specifically prescribed, (in which case the prisoner, if there appear grounds for it, must be brought to trial before the court of circuit;) to pass sentence of imprisonment, not exceeding six months, with corporal punishment, not exceeding thirty rattans, in cases of theft, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment, not exceeding six months, in pursuance of Section III, Regulation XIV, 1797, and Section XXXI, Regulation VI, 1803, so that the entire period of imprisonment, under the sentence of a magistrate, shall, in no instance, exceed one year. (y)

(y) *Constructions by the Nizamut Adawlut.*

1. A magistrate was not authorized to pass a sentence in a single case of theft, of six months' imprisonment with corporal punishment and a fine commutable to a further period of confinement: that the punishment was sufficiently confined to thirty stripes of the rattan and six months' imprisonment; and that should any objection exist to the infliction of the stripes, and the imprisonment for six months appear insufficient, the party should be made over to take his trial before the Court of Circuit. 10 *August*, 1810.

2. The period of imprisonment fixed in lieu of fines imposed by the magistrate under Regulation VI, 1803, Section XXXI, (not exceeding one month) being extended by this section to any period not exceeding six months, the court consider that under that section and the 2d Clause of Section XXV, Regulation VIII, 1803, witnesses summoned by the magistrate, and after receiving the summons and not attending as required; or although attending, refusing to give evidence, are liable to a fine proportionate to their situation in life, not exceeding the sum of 500 rupees; (subject to the provision stated in the 2d Clause of Section XXV, Regulation VIII, 1803, with respect to attending witnesses) and in the event of such fine not being paid, are liable to be confined for such period as the magistrate may direct, not exceeding the term of six months. 28 *February*, 1811.

3. How a magistrate was to proceed against two convicts employed on the roads, who had committed an assault on a passenger?—the court directed, that if the punishment which the magistrate was empowered to inflict under this section was inadequate, he should commit the convicts to take their trial before the Court of Circuit. (The magistrates not being authorized by the Regulations to inflict stripes, excepting for theft, it was doubted in this case, if a short imprisonment in addition to the sentences already passed on the convicts, would be a suitable punishment.) 3 *April*, 1811.

4. Whether persons convicted of preferring malicious and unfounded charges, may be sentenced to the full extent of punishment prescribed by this section; or whether the punishment for this offence is by Regulation VII, 1811, Section V, confined to six months' imprisonment, in addition to the fifteen days' imprisonment, or fine of fifty rupees, directed by Regulation IX, 1793, Sections VIII and X?—the court declared, that a magistrate is empowered to punish malicious and unfounded charges with imprisonment not exceeding six months, and a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment, not exceeding six months. Regulation VII, 1811, Section V; provides for an extension of the period of imprisonment limitted by Regulation IX, 1793, Section X, leaving the provision for a fine as it stood in the Regulations before in force. 24 *October*, 1811.

5. The rule contained in Regulation II, 1796, Section VI, that guards who may appear on the magistrate's inquiry to have been guilty of connivance, or other criminality, in the escape of prisoners, shall be committed for trial before the court of circuit, having been passed antecedently to the extension of the magistrate's powers by this section; the court was of opinion, that if the magistrate under the general powers vested in him by the latter Regulation, deemed the punishment which he is thereby authorized to adjudge to be adequate to the offence, he is competent to dispose finally of the case, without commitment to the Court of Circuit. 25 *May*, 1815.

6. By Regulation VIII, 1809, Section V, Clause V, a specific provision is made for the punishment of neglect of duty by officers of police, and the court is of opinion, therefore, that in cases of this description, the magistrate is restricted to the limitation of punishment therein defined; but that, if any distinct misdemeanor beyond neglect of duty be established, the case would, of course, fall within the magistrate's discretion, under the general powers vested in him by this section. 15, *March*, 1816.

7. It

XX.

Powers vested in the magistrates by the foregoing section not to be exercised by their assistants.

Assistants to the magistrates not to exceed the powers vested in them by the Regulations heretofore in force.

Except that in the cases provided for by Section VIII, Regulation IX, 1793, if it appear proper, both the stated fine and imprisonment may be adjudged, and the fine if not paid, may be commuted to imprisonment for fifteen days longer.

So in charges of petty thefts provided for by the Regulations herein quoted, if it appear just, both the corporal punishment and imprisonment may be adjudged.

Assistants directed not to pass sentence in cases referred to them under the Regulations herein quoted; and for which a more severe punishment than they are authorized to inflict, appears necessary, but to submit the proceedings to the magistrates.

Who after holding any further proceedings will either pass sentence or commit the prisoner or hold him to bail for trial before the court of circuit.

XX. The powers vested in the zillah and city magistrates, by the preceding section, shall not be exercised by the assistants to the magistrates, in the execution of any duties committed to them, under the provisions of Regulation XIII, 1797, and Section XVII, Regulation XII, 1803. In the performance of such duties, the assistants to the magistrates shall not exceed the powers vested in them, by the Regulations heretofore in force, except that, in the cases provided for by Section VIII, Regulation IX, 1793, and Section VIII, Regulation VI, 1803, wherein it may appear proper to impose the fine thereby authorized, in addition to fifteen days' imprisonment, both the stated fine and imprisonment, may be adjudged, with an eventual commutation of the fine, if not paid, to further confinement, for a period of fifteen days, making the entire term of imprisonment, if the fine be not paid, one month of thirty days. In like manner, in charges of petty thefts, provided for by Section IX, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795), and Section IX, Regulation VI, 1803, if it appear just and requisite, on consideration of the circumstances of the case, to sentence the offender to one month's imprisonment, in addition to the stated corporal punishment of thirty rattans, or of any part thereof, both corporal punishment and imprisonment, may be adjudged accordingly. In any case referred to the assistant of a zillah or city magistrate, under Regulation XIII, 1797, or Section XVII, Regulation XII, 1803, wherein the offence proved against the prisoner, may appear to require a more severe punishment, than he is hereby authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the magistrate, who, after holding any further proceedings, he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him, under Section XIX, of this Regulation, and the general Regulations in force, or will commit, or hold him to bail for trial, before the court of circuit, according to the nature and circumstances of the case. (z)

7. It is almost always desirable, that though a special power is given to the magistrates, to convict, without trial, of cattle stealing, still the trial should not be dispensed with, unless on very strong and special grounds: where such grounds do not exist, the Court of Circuit will, of course, quash the magistrate's conviction, and direct a trial in the ordinary course. But the Nizamut Adawlut cannot admit, that a conviction upon trial before the magistrate, on the result of which he is expressly authorized by this section to pass sentence of punishment to the extent specified therein, is liable, on the grounds "of not being a regular trial before a judge, aided by his law officer," to be impeached as a "conviction without trial." Nor would it, in the judgment of the Nizamut Adawlut, be competent to a Court of Circuit, to quash a sentence of conviction and punishment passed by a magistrate under the discretion vested in him by this section, merely on the ground of his having tried a case of theft, which, in the opinion of the Court of Circuit, should have been brought before that court; although, it would be the duty of a judge of circuit, in pursuance of Regulation IX, 1793, Section LXIII, to report the magistrate's conduct to the Nizamut Adawlut, if it should appear that he had been guilty of any serious and wilful misconduct in the exercise of the powers intrusted to him; or, in case of mere error of judgment, to point out the same to him for his future guidance.—31 *October*, 1816.

See the Circular Orders of the Nizamut Adawlut, new edition, No. IX, page 177, explanatory of this section, relative to the demand of security from a prisoner for good behaviour, and to his detention on that account after the expiration of his sentence awarded by a magistrate.

(z) *Construction by the Nizamut Adawlut*; 17 *May*, 1809. An assistant to a magistrate is not competent to pass an order of commitment in cases where the offence may appear to require a more severe punishment than he is authorized to adjudge, but must submit his proceedings to the magistrate under this section.

XXI.

Order of reference of cases to assistants under the Regulations herein quoted, to be recorded on the proceedings of the magistrates, with instructions whether to submit their proceedings to the magistrates or to pass sentence.

XXI. Whenever a complaint or charge of a criminal nature, may be referred by a zillah or city magistrate, to his assistant, for examination, under the provisions of Regulation XIII, 1797, or Section XVII, Regulation XII, 1803, the order of reference shall be recorded, on the magistrate's proceedings, with instructions, whether to submit the proceedings, held upon the examination, for the magistrate's decision, or whether the determination upon the charge is to be passed, by the assistant, if it be such as he is authorized to determine, under the Regulations. As far as the general duties of the magistrates may admit, they are directed to examine the proceedings, held by their assistants in such cases, and to pass judgment thereupon themselves, and in all instances, wherein the sentence may be passed by an assistant, if the magistrate, on representation made to him, without unnecessary delay, shall see cause to revise the proceedings, held by the assistant, and shall disapprove the judgment, given by the latter, he is authorized and required to annul the same, and to pass such further sentence, or order, as may appear just and conformable to the Regulations.

Magistrates to examine the proceedings of their assistants, as far as their other avocations will admit, and to pass judgment.

And in all instances wherein the magistrate may see cause to revise the sentence passed by an assistant, he is authorized and required to do so and to annul the same if he disapprove it, and to pass such further order as may be proper and conformable to the Regulations.

Calendars laid before the courts of circuit under Section XVII, Regulation IX, 1793, and Section XVII, Regulation VI, 1803, to include all persons discharged or punished by the assistants.

XXII. The calendars of persons apprehended and discharged, or punished, which the magistrates are required to lay before the courts of circuit, by Section XVII, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795,) and Section XVII, Regulation VI, 1803, shall include all persons discharged, or punished, under sentences passed by their assistants, as well as under judgments given by themselves, and in modification of the rule contained in those sections, whereby the courts of circuit are required to report to the Nizamut Adawlut, the circumstances of all cases, in which they may be of opinion, that any person has been released or punished on insufficient grounds, the judges of those courts are hereby authorized, whenever any case so brought before them, may appear not to have been sufficiently investigated, and a further inquiry may be practicable, and requisite for the ends of justice, to direct such additional inquiry to be made by the magistrate, and the result to be communicated to the judges of the court of circuit, collectively, for their orders on the case, instead of reporting it in the first instance, to the court of Nizamut Adawlut. (a)

In modification of the sections above quoted the judges of circuit are authorized, whenever any case may appear not to have been sufficiently investigated; to direct a further enquiry to be made by the magistrate, and the result to be communicated to the court of circuit collectively for their orders; instead of reporting it in the first instance to the Nizamut Adawlut.

(a) *Construction by the Nizamut Adawlut; 7 February,* 1816.—The court observe, that the last Clause of Regulation IX, 1793, Section XVII, includes all persons released or punished by the magistrate on insufficient grounds, and that the modification of the original rule contained in this section, expressly relates to the same description of persons, providing only for a further investigation, when requisite, and for a reference of the case to the Judges of the Court of Circuit collectively, instead of the Nizamut Adawlut. There is nothing in the present section to support the opinion, that the voice of the court collectively is required in those cases only where the summary proceedings before the magistrate appear to the judge at the session to be incomplete; and that it is requisite for the ends of justice, to direct an additional inquiry to be made by the magistrate, and the result to be communicated to the court collectively, for their orders in the case: on the contrary, the original rule in Regulation IX, 1793, Section XVII, and the modification of it by the present section, and the provisions of Regulation XXV, 1814, Section XII, appear to the court to define clearly the powers of a single judge of a Court of Circuit, with respect to all persons punished or discharged by a magistrate, and included in the Calendars referred to in those sections, requiring in all such cases the concurrence of two judges of the Court of Circuit, to reverse or alter the decision of the magistrate.

XXIII.

Two or more judges of a court of circuit declared competent to call for the proceedings of a magistrate or assistant on all occasions of petitions being presented to them relative to such proceedings, and to pass such orders thereupon as may be proper, and consonant with the Regulations.

XXIII. Two or more judges of a court of circuit, forming a court at the sudder station, are further hereby declared competent, on all occasions, when it may appear necessary upon petitions presented to them, relative to the proceedings of any zillah or city magistrate, or of an assistant to a magistrate, within their jurisdiction, to call upon the magistrate for his proceedings, or those of his assistant, on the case, and to pass such orders thereupon as they may deem proper and consistent with the Regulations. (*b*)

The Nizamut Adawlut declared competent to call for the proceedings of the courts of circuit, and of the magistrates, whenever requisite, and to pass such orders upon them as may appear just.

XXIV. In like manner, the court of Nizamut Adawlut are declared competent to call for the proceedings of any court of circuit, or of any zillah or city magistrate, or assistant to a magistrate, whenever it may appear requisite, and to pass such orders thereupon as that court may deem just and proper. (*c*)

Magistrates required to submit in the month of January, an annual report to the Nizamut Adawlut, made up to the 31st December of each year, containing the particulars herein specified.

XXV. *First.* The zillah and city magistrates are hereby required, in addition to the monthly reports prescribed by Section XXX, Regulation IX, 1793, (extended to Benares by Section IV, Regulation XVI, 1795), and Sections XXVII, XXVIII, XXIX and XXX, Regulation VI, 1803, to transmit to the Nizamut Adawlut, in the month of January of each year, an annual report, either in English or Persian, of all criminal cases, depending before the magistrates, or their assistants respectively, on the 31st of the preceding month of December. (*d*)

Second. The report shall be drawn out, according to the following form, and shall contain the several particulars therein specified :

(*b*) Further rules in Regulation XXV, 1814, Sections XII and XIII :—A single judge of a Court of Circuit, holding a sitting of that court at the sudder station, is invested with equal powers as that court collectively, subject to certain restrictions.

Constructions by the Nizamut Adawlut.

1. The Courts of Circuit, at large, are empowered by the Regulations to annul commitments made by the magistrates, and to dismiss charges pending before them, when such commitments and charges appear clearly and manifestly unfounded. 26 *November*, 1812.

2. The Courts of Circuit, under this section, are competent, if they think a magistrate's order (though within the magistrate's competence) improper or unjust, to annul the same, and direct the release or commitment of the defendant. 8 *March*, 1813.

3. Whether two judges of the Court of Circuit were competent not only to annul the magistrate's order, (regarding an actual or expected affray on account of forcible dispossession from lands) but also to order him to proceed in the case to which that order related, in conformity with Regulation VI, 1813, Section V, Clause I?—the court determined, that under the authority vested in two or more judges of a Court of Circuit, by the present section, the two judges who considered the case in question to be within the provisions of Regulation VI, 1813, Section V, Clause I, were fully competent to order the magistrate to proceed in conformity thereto. 6 *July*, 1814.

4. Two or more judges of a Court of Circuit, are fully competent, under the general powers vested in them by the present section, to annul an order passed by a magistrate, imposing a fine on account of a contempt of court, as in all other cases, if the order appear from the magistrate's proceedings to be unjust. 29 *December*, 1817.

(*c*) Further rules in Regulation XXV, 1814, Section XVII:—A single judge of the Nizamut Adawlut, holding a sitting of that court, is invested with equal powers as the court collectively, subject to certain restrictions.

(*d*) See the Circular Orders of the Nizamut Adawlut, new edition, No. 29, page 116, directing, that the whole of the monthly and other periodical reports furnished by magistrates to the Nizamut Adawlut, to be transmitted through the Courts of Circuit; No. 33, page 120, requiring the report directed in this section to be furnished half yearly; and No. 35, page 166, requiring an addition to the report directed by this section, (now half yearly made) towards ascertaining what offences appear to be the principal cause of the accumulation of prisoners in the common jails.

Report

Report of criminal cases depending before the magistrate of the zillah (or city) of——, and his assistants, on the 31st of December.

Names of the accused.	Whether in confinement or under bail.	Crime charged.	Date of charge.	Date of apprehension or first appearance of the accused.	Explanations of considerable delay, or other remarks.

XXVI. *First.* The zillah and city magistrates are further directed to transmit to the court of Nizamut Adawlut, in the month of January of each year, an abstract statement of the number of robberies, and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within their respective jurisdictions, in the preceding English year; the number of persons known or supposed to have been concerned in the commission of such crimes; and the number apprehended and convicted; or committed for trial before the court of circuit, according to the following form: (e)

Magistrates directed transmit to the Nizamut Adawlut, in the month of January, of each year, an abstract statement of robberies and other crimes, committed in the preceding year containing the particulars herein specified.

(e) See the Circular Orders of the Nizamut Adawlut, new edition, No. 7, page 98, instructing the magistrates relative to the preparation of their annual abstract statement of crimes; No. 11, page 100, transmitting an amended form of the abstract statement in lieu of that required by this section; No. 17, page 104, communicating alterations to be made in the amended form of the said abstract statement; No. 29, page 116, requiring the whole of the monthly and other periodical reports furnished by magistrates to the Nizamut Adawlut, to be transmitted through the Courts of Circuit; and No. 69, page 168, requiring the amended form of the said abstract statement, to be accompanied by sundry documents and information, when submitted to the judges of circuit.

Abstract

Abstract statement of robberies and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within the zillah (or city) of———; in the year———, of the number of persons, known or supposed to have been concerned, in the commission of such crimes, and of the number apprehended and convicted, or committed for trial before the court of circuit.

Designation and number of Crimes.		Computed number of persons concerned.	Number apprehended and convicted or committed for trial.
1st Robbery (decoity) and murder,	10	100	50
2d Robbery without murder.)	20	200	100
3d Affrays, and violent assaults attended with homicide, maiming or wounding,	20	200	100
4th Murder,	5	20	10
5th House breaking (nukub zunee,)	20	40	20
6th Thefts, of considerable amount, or attended with aggravating circumstances,	30	60	30
7th Receiving stolen goods,	20	20	20
8th Arson, (when committed distinctly from other offences,)	5	10	10
9th Rape,	2	2	2
10th Adultery,	4	4	4
11th Perjury,	10	10	10
12th Forgery,	5	5	5
TOTAL	151	685	365

NOTE.—Remarks to be subscribed on the increase or decrease of any particular designation of crime, on the greater or less number of persons concerned, or apprehended, or on any other circumstance, which may call for observation.

Magistrates to require from their darogahs monthly reports of heinous crimes, committed within their jurisdictions.

Second. To enable the magistrates, to furnish the above statement, they shall require from their police officers, a monthly report of heinous crimes, committed within their respective jurisdictions, the number of persons known or supposed to have been concerned in the commission of them, and when any have been apprehended, the number and names of the persons apprehended.

A. D. 1807. REGULATION X.

A REGULATION *for the conclusion of the ensuing settlement in the Ceded and Conquered Provinces.*—PASSED *by the Governor General in Council, on the* 11*th June* 1807, *corresponding with the* 30*th Jeyte* 1214 *Bengal era; the* 21*st Jeyte* 1214 *Fusly; the* 30*th Jeyte* 1214 *Willaity; the* 6*th Jeyte* 1864 *Sumbut; and the* 4*th Rubbee-us-sanee* 1222 *Higeree.*

WHEREAS it has been deemed advisable to appoint a local commission for the superintendence of the ensuing settlement in the ceded and conquered provinces, (excepting the territory assigned for the support of the royal family at Delhi, and the zillah of Cuttack, including the purgunnah of Puttaspore, and its dependencies) and for the general control of the collectors, in the discharge of that and of their other public duties; the following rules have been enacted, to be in force from the 17th September next, corresponding with the 2d Assin 1214 Bengal era; the 1st Assin 1215 Fusly; the 2d Assin 1215 Willaity; the 1st Assin 1864 Sumbut; and the 14th Rajeib 1222 Higeree, being the commencement of the Fusly year 1215. **Preamble.**

II. A Commission (*f*) shall be constituted, consisting of two members, for the superintendence of the ensuing settlement, and for the general control of the collectors in the discharge of their several public duties, in the ceded and conquered provinces, with the exception of the territory assigned for the support of the royal family at Delhi, and the zillah of Cuttack.

A commission constituted for superintending the ensuing settlement and the general control of the collectors in the ceded and conquered provinces, with exception of the assigned territory at Delhi and the zillah of Cuttack.

III. The Commissioners in the ceded and conquered provinces, are hereby vested with all the duties, powers, and authority, which have been hitherto exercised by the Board of Revenue, in the ceded and conquered provinces, with the exception of the district of Cuttack, which shall remain subject to the control of the Board of Revenue as heretofore. In like manner, the duties hitherto performed by the secretary and accountant to the Board of Revenue, shall be henceforward performed, so long as this Regulation shall remain in force, by the secretary and accountant to the Board of Commissioners.

What duties, powers, and authority to be vested in the Commissioners.

Cuttack to remain subject to control of the Board of Revenue.

Duties to be performed by the secretary and accountant to the Commissioners.

IV. The primary object of the present Commission, being the superintendence of the ensuing settlement of the land revenue, in the ceded and conquered provinces, and a proper application of the principles prescribed by the existing Regulations,

Commissioners to superintend the formation of the settlement by the collectors as far as [illegible] be practicable in p[illegible]

(*f*) This Commission has been invested with the powers, duties and authority, of the Board of Trade, in the control of the customs, in the Ceded and Conquered Provinces, (excepting Cuttack) by Regulation XI, 1807, and rendered permanent by Regulation I, 1809.

for

for the allotment of the public assessment, it shall be the duty of the Commissioners to superintend the performance of that duty by the collectors, as far as circumstances will permit, on the spot, by proceeding from time to time into the different districts, according as they may be of opinion, that their presence may be necessary or advisable.

Notification that the assessed jumma of the last year of the settlement in the ceded and conquered provinces, immediately ensuing the present one shall remain fixed for ever on certain conditions.

V. (g) The provision contained in Section XXIX, Regulation XXV, 1803, prescribes, that at the expiration of the existing settlement, in the provinces ceded by the Nawaub Vizier, a new settlement shall be made for the period of four years. In like manner, the rules contained in Sections IV, V, and VI, Regulation IX, 1805, require, that at the expiration of the existing settlement in the conquered provinces, and in the zillah of Bundlecund, two more temporary settlements shall be made in the said conquered provinces, and in the zillah of Bundlecund respectively. The Governor General in Council, however, hereby notifies to the zemindars, and other actual proprietors, of land in the ceded and conquered provinces, that the jumma which may be assessed on their estates, in the last year of the settlement, immediately ensuing the present settlement, shall remain fixed for ever; in case the zemindars shall now be willing to engage for the payment of the public revenue on those terms in perpetuity, and the arrangement shall receive the sanction of the Honorable the Court of Directors.

The same principle to be in force in Cuttack, under the orders of the Board of Revenue.

VI. (h) The principle of the foregoing rule shall also be in force in the zillah of Cuttack, and shall be accordingly carried into effect in that zillah, under the orders and superintendence of the Board of Revenue.

Rules for establishing a mint committee at Furruckabad, rescinded.

VII. The provision contained in Section IX, Regulation XLV, 1803, which prescribes, that a mint committee shall be established at Furruckabad, consisting of the magistrate, and of the collector of the revenue, is hereby rescinded.

Rules directing the immediate conduct of the mint at Furruckabad to be committed to a mint and assay master, rescinded.

VIII. The provision contained in Section X, Regulation XLV, 1803, which directs, that the immediate conduct of the business of the mint at Furruckabad, shall be committed to an officer, to be denominated the mint and assay master, is likewise hereby rescinded.

The general superintendence of the mint at Furruckabad, vested in the Board of Commissioners, without being subject to the control of the presidency mint committee.

IX. The general superintendence of the mint at Furruckabad, shall be vested in the Board of Commissioners, appointed under the present Regulation, so long as the present Regulation shall continue in force, with the same powers as were vested in the mint committee, by Regulation XLV, 1803, or by any other existing Regulation; provided, however, that the Board of Commissioners shall not be considered, to be in any respect subject to the control of the mint committee at Calcutta.

(g) Rescinded by Regulation IX, 1812, Section II, and Regulation X, 1812, Section II.

(h) Rescinded by Regulation X, 1812, Section II.

X. The immediate conduct of the business of the mint at Furruckabad, shall be vested in two separate officers, viz. a mint master, and an assay master, with such salaries and establishments as the Governor General in Council shall think proper to assign for those officers respectively.

The immediate co[illegible] of the business [illegible] mint, vested in [illegible] parate officers, [illegible] mint master and [illegible] master.

A. D. 1807. REGULATION XI.

A REGULATION *for vesting the control of the customs, with certain exceptions, in the Board of Commissioners, appointed under Regulation X,* 1807.—PASSED *by the Governor General in Council, on the* 11*th June* 1807, *corresponding with the* 30*th Jeyte* 1214 *Bengal era; the* 21*st Jeyte* 1214 *Fusly; the* 30*th Jeyte* 1214 *Willaity; the* 6*th Jeyte* 1864 *Sumbut; and the* 4*th Rubbee-us-sanee* 1222 *Higeree.*

WHEREAS a Commission has been appointed under Regulation X, 1807, for the superintendence of the ensuing settlement in the ceded and conquered provinces; and whereas it has been deemed advisable, that the said Commission should be invested with the control of the customs in those provinces; the following rules have been enacted, to be in force in the ceded and conquered provinces, with the exception of the zillah of Cuttack, and the territory assigned for the support of the royal family at Delhi, from the 17th September 1807, corresponding with the 2d Assin 1214 Bengal era; the 1st Assin 1215 Fusly; the 2d Assin 1215 Willaity; the 1st Assin 1864 Sumbut; and the 14th Rajub 1222 Higeree, being the first day of the ensuing Fusly year 1215. Preamble.

II. The powers, duties, and authority which have hitherto been exercised by the Board of Trade, under Regulation VI, (*i*) 1805, or any other Regulation, in the control of the customs in the ceded and conquered provinces, shall be vested in the Board of Commissioners appointed under Regulation X, 1807, so long as this Regulation shall continue in force, with the exception of the customs levied in the zillah of Cuttack, which shall remain subject to the control of the Board of Trade.

Control over the customs in the ceded and conquered provinces vested in the Board of Commissioners.

Exception as to Cuttack.

III. Arms manufactured according to the European fashion, whether in Europe, India, or elsewhere, shall not be transported without a pass from government, beyond the limits of the Company's territories, such arms shall accordingly be liable to be confiscated whenever they may be attempted to be transported beyond those limits: provided, however, that this rule shall not be considered to be applicable to matchlocks and other arms made according to the Indian fashion. (*j*)

Transportation of made after the European fashion without a pass, prohibited.

Penalty.

(*i*) This Regulation has been since rescinded by Regulation X, 1810, Section II.

(*j*) Repeated in Regulation IX, 1810, Section XXXI.

A. D. 1807. REGULATION XII.(*)

A REGULATION *for the appointment of ameens of police, in the provinces of Bengal, Behar, and Orissa; and for defining the duties to be performed by them; also, for obtaining a complete register of guards and watchmen employed by landholders, farmers, and others; and declaring the responsibility of their employers for the conduct of such servants in certain cases.*—PASSED *by the Governor General in Council, on the 19th June 1807; corresponding with the 6th Assaur 1214 Bengal era; the 19th Jeyte 1214 Fusly; the 6th Assaur 1214 Willaity; the 14th Jeyte 1861 Sumbut; and the 12th Rubbee-us-sanee 1222 Higeree.*

THE police establishments maintained on the part of government in several districts of Bengal, Behar, and Orissa, having been found insufficient for the purposes of their appointment; and the reasons which induced the Governor General in Council to exonerate the landholders and farmers of land from the general and exclusive charge of the police, to which they were liable under a clause in their engagements for the permanent settlement (as stated in the preamble to Regulation XXII, 1793,) not being applicable to the employment, in concert with the police darogahs, of such of the landholders, farmers, and other inhabitants of credit and influence, as from their qualifications and character may be considered deserving of confidence, and disposed to make a proper use of the means which they possess, in promoting the maintenance of the peace, preventing the commission of crimes, and apprehending offenders; it is expedient that provision be made for granting commissions to respectable Hindoo and Mosulman inhabitants of the several zillahs, in the provinces abovementioned, authorizing them to act as ameens of police, with certain specified powers, and under such restrictions as may be calculated to guard against any abuse of the authority entrusted to them. For the more complete formation of the register of village watchmen, directed in Section XIII, Regulation XXII, 1793, as well as for the purpose of enabling the zillah and city magistrates to ascertain, at all times, what number and descriptions of watchmen and guards are maintained, in aid of the police; it is requisite that all persons employing pykes, chokeedars, pasbans, nigabans, burkundazes, or any other description of watchmen or guards, shall deliver an annual list thereof to the magistrate of the zillah or city in which they are employed. The Governor General in Council has accordingly enacted the following rules, to be in force, as soon as promulgated, in the provinces of Bengal, Behar, and Orissa, exclusive of the zillah of Cuttack, and of the pur- Preamble.

(*) The whole of this Regulation, with the exception of the last section, is rescinded by Regulation VI, 1810, Section VI.

gunnahs

gunnahs lately dependent on that zillah which have been since annexed to Midnapore, as far as the several provisions may be applicable thereto.

Hindoo and Mosulman inhabitants of zillahs may be empowered to act as ameens of police, under certain powers and restrictions.

II. Commissions may be granted to respectable Hindoo and Mosulman inhabitants of the several zillahs, in the provinces of Bengal, Behar, and Orissa, authorizing them to act as ameens of police, with the powers, and under the restrictions, specified in this Regulation.

Ameens of police to be nominated by the magistrates and approved by the Governor General in Council, to whom information of their characters and qualifications is to be transmitted by the magistrates through the Nizamut Adawlut.

III. The ameens of police shall be nominated by the zillah magistrates; and approved by the Governor General in Council. The magistrates are required, in every instance, to report to the Governor General in Council, through the court of Nizamut Adawlut, the information they may have obtained concerning the character and qualifications of the persons proposed by them for the trust.

Preference to be given, in the selection of persons as ameens of police, to the persons herein specified.

IV. In the selection of persons to fill the office of police ameen, a preference shall be given to such as may be duly qualified, among the following descriptions; viz. proprietors of land, whether malgoozary or lakheraje, who have the management of their own estates; farmers of land holding their farms immediately from government; managers appointed by the Court of Wards for the estates of disqualified landholders; managers of joint estates on the part of the proprietors; tehseeldars or other officers collecting the rents of lands held khaus, or the revenue from proprietors or farmers of small estates; responsible under-renters and creditable agents of landholders, or farmers, having the management of an entire estate, or of any considerable portion of an estate; and, in towns, bazars, hauts, gunges, or aurungs, of sufficient extent to require a separate police ameen, any reputable inhabitant of such place, possessing property, and of acknowledged good character.

To what considerations the magistrates are to pay strict attention in proposing commissions for the trust of police ameen.

V. The appointment of ameen of police throughout every part of the several zillahs not being considered indispensably requisite, and it being intended that this distinction shall be conferred upon such persons only as may be deserving of confidence, and sincerely disposed to employ the means which they possess in promoting the maintenance of the peace, preventing the commission of crimes, and apprehending offenders, the magistrates are enjoined to pay strict attention to this consideration, and intention, in proposing commissions for the trust of police ameen, under this Regulation.

Specification of the duration of the commissions of police ameens.

VI. The commissions of proprietors of land shall be in force no longer than they may have the management of their respective estates. The commissions of farmers, and under-renters of land, shall expire with their leases; and those of managers, tehseeldars, or other public officers, or private agents with the offices in virtue of which they may receive their commissions. Inhabitants of towns, or other places, to whom commissions may be granted on account of their local residence, shall retain them only whilst they continue to reside in such places. Provided with respect to the whole of the persons specified, on representation from the magistrates,

Duration of commissions may be extended for any special reason stated by

trates, of any special reason for extending the duration of commissions, beyond the time of their expiration under this section, such extension may be granted, with the sanction of the Governor General in Council, as shall appear expedient. The Governor General in Council also reserves to himself the power of ordering, at any period, the revocation of a commission for the office of police ameen, if the continuance of it appear unnecessary or objectionable.

the magistrates with the sanction of government.

Power of revoking commissions at any period reserved to the Governor General in Council.

VII. When the appointment of an ameen of police shall have been approved by the Governor General in Council, the zillah magistrates shall grant a sunnud under his official seal and signature, in the Persian language, and to the following effect:—

Sunnuds of office to be granted by magistrates to ameens of police.

"BE IT KNOWN TO A. B.

"of ———

Form of sunnud.

"In virtue of the powers vested in me by Regulation XII, 1807, I hereby appoint you ameen of police for the (estate, mehaul, town, or other local division) specified at the foot of this sunnud; with authority to apprehend persons charged with heinous offences, and to do all such acts as the said Regulation, or any subsequent Regulations, printed and published in conformity with Regulation XLI, 1793, may authorize you to do. You are required to exercise the authority vested in you, agreeably to the rules prescribed in the said Regulations, until your sunnud shall be recalled by order of the Governor General in Council; or so long (if the ameen be a proprietor of land) as you may be the proprietor, and retain the management of the estate; or, (if the ameen be a farmer, or under-renter) so long only as you may hold the lease; or, (if the ameen be a manager, tehseeldar, or other public officer or private agent,) so long as you may hold the office, by virtue of which this commission is granted to you; or (if the commission be given on account of local residence) so long as you may continue to reside at the place undermentioned. In the event of your ceasing to hold the (estate, lease, or office) by virtue of which this commission is granted, or, (if granted on account of local residence) in the event of your ceasing to reside at the place specified, you are to give immediate notice to the magistrate of this zillah; and shall not exercise the functions of police ameen, without the further sanction of the Governor General in Council, under penalty of a heavy fine, and such other punishment as the illegal acts done by you may appear to merit. Know this to be positively enjoined."

VIII. No person receiving a sunnud, under the preceding section, shall be removable from the office of police ameen, during the time for which the sunnud is granted, without sufficient cause established to the satisfaction of the Governor General in Council. In all cases wherein the magistrate may judge it expedient to withdraw a commission granted under Section VII, before the expiration of it,

Ameens of police not removable from office during the continuance of their sunnuds without cause established to the satisfaction of government.

How a magistrate is to proceed if he judge pro-

per to withdraw a commission.

it, he shall report the circumstances of the case, with any proceedings held by him relative thereto, for the information and orders of government, through the court of Nizamut Adawlut.

Sunnuds recalled or expiring to be delivered to the magistrate.

Penalty to which persons exercising the functions of a police ameen without authority, are liable, and how magistrates are to proceed on such occasions.

IX. All sunnuds recalled, or expiring, shall be immediately delivered up to the zillah magistrate to be cancelled; and any person exercising the functions of a police ameen, without being duly authorized, shall, on proof to the satisfaction of the Nizamut Adawlut, be liable to such fine and imprisonment as that court may deem it equitable to adjudge, on consideration of the nature and circumstances of the case. The magistrates are to report their proceedings, in all such instances, to the Nizamut Adawlut, with their opinion respecting the amount of the fine, that should be imposed on the offender, according to the degree of his offence, and his ability to make good the penalty.

Ameens of police to subscribe a declaration before entering upon the execution of the duties of their offices.

X. Every ameen of police, previously to entering upon the execution of the duties of his office, shall subscribe the following declaration before the zillah magistrate, or any person whom he may commission to receive it:—

Form of declaration.

" I ——— appointed ameen of police, solemnly declare, that I will execute the duties of that office, to the best of my abilities, with diligence, impartiality and integrity, according to the Regulations enacted, or which may be hereafter enacted, for my guidance; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any fee, reward, or emolument whatsoever, on account of any matter relating to the exercise of my functions as police ameen; and that I will, in all respects, faithfully discharge the trust reposed in me."

Authority vested in police ameens may be exercised by them within certain limits, in concert with the police darogahs.

XI. Ameens of police, duly commissioned, as directed, may exercise the authority with which they are invested, in concert with the police darogah, in all places situated within the limits of the estate, mehaul, town, or other local division, for which they may be appointed; and the designation of which, with such particulars as may be requisite to define the limits of their jurisdiction, shall be specified at the foot of the sunnud granted to them. All persons who may be resident within such limits, and who are subject to the jurisdiction of the zillah magistrate, are declared amenable to the authority of an ameen of police (in like manner as to the authority of a police darogah) as far as respects the regular execution of the duty committed to him. Ameens of police are also empowered to exercise a concurrent authority, within other police jurisdictions, when the person accused, at the time of the charge being preferred against him, may be within their proper jurisdiction, and may be pursued into another jurisdiction.

Limits of their jurisdiction to be specified in their sunnuds.

Persons resident within those limits, declared amenable to the regular authority of the police ameens.

Police ameens may exercise a concurrent authority in the case herein specified.

Specification of the powers of police ameens.

XII. *First.* Ameens of police are authorized to receive charges against all persons subject to their jurisdiction, for any crime of a heinous nature, such as murder,

murder, robbery, house breaking, theft, setting fire to a village, house, or other building; or any crime involving a dangerous breach of the peace, such as a violent affray, or assembling persons to commit an affray, or any similar offence requiring the immediate apprehension of the offender.

Second. Upon a complaint, in writing, being received by an ameen of police against any person or persons subject to his jurisdiction, for murder, robbery, or other crime of the nature above specified, and on the complainant, or any other creditable person, or persons, acquainted with the case, deposing on oath, or under a solemn obligation, to the truth of the complaint, the ameen of police shall issue a warrant, under his seal and signature, for the apprehension of the person or persons complained against, unless any special reason appear why the issue of process for apprehending the party accused should be stayed; in which case, the police ameens shall immediately transmit the charge, with information of the reason for staying process thereupon, to the police darogah of the jurisdiction; for the purpose of enabling him to proceed, as directed in Section XII, Regulation IX, 1807.

How a police ameen is to proceed on a complaint in writing being preferred to him on oath, or under a solemn obligation.

Third. The warrant for apprehension, to be issued by a police ameen, shall be in the following form; and shall be directed to the officer by whom it is to be executed:—

To whom a warrant issued by a police ameen is to be directed.

" To ———

" Whereas ——— inhabitant of ——, stands charged on the oath (or solemn declaration) of ———, inhabitant of ——, with the crime of ———; you are hereby directed to apprehend the said ——, and to produce him before me. In this fail not. Dated ———."

Form of warrant.

Fourth. The police ameen shall, within twenty-four hours, cause the person or persons apprehended by him, to be conveyed in safe custody, to the police darogah of the jurisdiction; and shall at the same time, transmit the original complaint preferred, with a report of the measures adopted in consequence.

How a police ameen is to proceed after apprehending accused persons.

Fifth. The police darogah, on receiving such report, with the person or persons apprehended, shall proceed in like manner as he is required to do, with respect to persons apprehended by his own warrant; and shall, in all cases, transmit the report of the police ameen for the information of the zillah magistrate.

Police darogahs how to proceed with persons apprehended and sent to them by police ameens.

XIII. Ameens of police, and all persons acting under them, are authorized to apprehend, without a written charge, or warrant, and to convey in safe custody, to the police darogah of the jurisdiction, any offender or offenders, who shall be found in the act of committing a crime, or flagrant breach of the peace, of the nature specified in the preceding section, or who shall be detected with stolen goods

In what cases police ameens may apprehend without a written charge or warrant.

in

in their possession; or against whom a general hue and cry shall have been raised, or for the apprehending of whom a proclamation shall have been published by the magistrate. In every other case, ameens of police are restricted from apprehending any person without a charge preferred against him, in writing, under the seal or signature of the complainant; and without a warrant under their own seal and signature.

In all other cases police ameens prohibited from apprehending without a written charge and warrant.

Duties of police ameens specified.

XIV. *First.* It shall be the duty of ameens of police to afford every assistance in their power, in concert with the police darogahs, and other officers of police, towards maintaining the peace of the country; preventing the commission of heinous offences, and apprehending the offenders. They shall be careful to communicate to the police darogahs, all intelligence which they may receive; in any way relating to the police of the country; especially concerning robbers, vagrants, or persons of suspicious character, who may have concealed themselves, or be lurking about, without any ostensible livelihood, in their respective jurisdiction; and shall require all persons subordinate to them, to be assiduous in obtaining such information. It shall also be their particular duty to see that the pykes, pasbans, and other village watchmen, mentioned in Section XIII, Regulation XXII, 1793, perform the services required from them by Section XIV, of that Regulation; that they patrol, at night, the towns and villages, to which they are attached, for the purpose of preventing robberies, thefts, and other crimes; or, if such be committed, that they use every endeavour to detect and seize the perpetrators.

Police ameens to give darogahs information of recent homicides, robberies, or other violent crimes.

Duty of police darogahs on such occasion.

Duties of police ameens on such occasions.

In what case a police ameen is to hold an inquest, and transmit his report to the police darogah.

Second. On information being received by an ameen of police of any recent homicide, or unnatural death, or of any robbery, or other violent crime, within his jurisdiction, he shall immediately communicate the same to the police darogah; who will proceed to take an inquest as required by Section IX, Regulation IV, 1797; or to make the inquiry directed by Section XVIII, of Regulation IX, 1807. The ameen of police shall at the same time, endeavour to procure any information which may be obtainable, tending to the detection of the persons concerned in the perpetration of the crime; and if any circumstances should prevent an inquest being taken, or inquiry made in due time by the police darogah, and his immediate officers, as directed in the Regulations above mentioned, the police ameen shall proceed to hold the inquest, or make the inquiry in conformity thereto, and transmit his report to the police darogah, for the purpose of being forwarded to the magistrate.

Specification of further duties and powers of police ameens.

Third. Police ameens shall also give any requisite assistance to the darogahs of police in making the inquiry directed by Section XVII, Regulation IX, 1807; and on apprehending a person charged with any of the criminal offences, of which they are authorized to take cognizance, if he shall admit the charge and make a

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free and voluntary confession, they are empowered to take the same, in the manner prescribed by the Regulation above mentioned; for the purpose of discovering and apprehending any other persons concerned in the commission of the crime, or in possession of any property that may have been stolen or plundered. But no prisoner shall be detained in custody for this or any other purpose by a police ameen, beyond twenty-four hours, without the most urgent* necessity; of which an explanation is to be given in the report sent with the prisoner.

No prisoner to be detained by a police ameen, beyond 24 hours, without the most urgent necessity, of which explanation is to be given.

XV. Ameens of police shall not take cognizance, in any way whatever, of petty offences and misdemeanors, such as abusive language, trespasses of men or cattle, and inconsiderable assaults or affrays; or offences not involving a breach of the peace, as adultery, fornication, and calumny; unless the complaint for such an offence be specially referred to them by the magistrate.

What petty offences police ameens are not to take cognizance of, unless the complaint for such offence be referred by the magistrate.

XVI. Whenever the zillah magistrate shall judge it expedient to direct an inquiry to be made by an ameen of police, relative to any complaint of a criminal nature, originating within, or contiguous to the limits of *his jurisdiction*, it shall be competent to the magistrate to order the same, by a perwanah under his seal and signature; and the report made by such ameen, shall, unless there be good reason for the contrary, have the same authority as the report of a darogah of police in similar cases. In making such inquiries, and generally in all points coming within the prescribed duty of a police ameen, which are not expressly provided for by this Regulation, the ameens of police shall be guided by the rules in force for the guidance of the darogahs of police, as far as the same may be applicable. The declared penalties for resistance to process issued by the police darogahs shall also be considered equally applicable to an authorized process issued by an ameen of police.

Magistrates may direct police ameens by perwanah to enquire into criminal complaints, originating in or contiguous to their jurisdiction.

Report of police ameens in such cases to have the same authority as a report of a darogah.

In such inquiries and in all points not provided for by this Regulation, police ameens to be guided by the rules in force for the guidance of darogahs.

Penalties for resistance of process of a darogah, equally applicable to a legal process of a police ameen.

XVII. Ameens of police shall furnish the zillah magistrate with a monthly report of all persons apprehended by them, and sent to the police darogahs, such reports shall contain the names of the persons apprehended, the crime charged against them, the date of their apprehension, and the date of their dispatch to the police darogah. The report shall be closed on the last day of each month, and shall be sent by the public dawk, or by such mode of conveyance, as the magistrate may direct, on or before the 5th day of the succeeding month. The police ameens shall also furnish any other reports, or information, which may be required from them by the zillah magistrates.

What reports are to be furnished by police ameens to the magistrates, and what they are to contain.

When the report is to be closed, and how to be sent to the magistrates, and on what date.

Police ameens to furnish any other information required.

XVIII. If an ameen of police, or any person acting under his authority, be guilty of corruption, extortion, or oppression, or commit any unwarranted act of authority, he shall be liable to prosecution, either criminally before the magistrate and court of circuit; or for damages in the dewanny adawlut. But no ameen of police shall be liable to be prosecuted for want of form in his proceedings, or

How a police ameen or officer under him, may be proceeded against, for corruption, extortion, oppression, or any unwarranted act of authority.

But not liable to prosecution for want of form or error in judgment.

for

No process to be issued against a police ameen by a magistrate or judge for any of the offences above specified, unless the judge or magistrate be satisfied by evidence, that there is ground to believe the charge.

for an error in judgement. Nor shall any process whatever be issued against an ameen of police, who may be charged with corruption, extortion, or oppression, unless the magistrate, or judge, shall be previously satisfied, by sufficient evidence, that there is ground to believe the charge well founded.

The several descriptions of village watchmen herein specified, declared subject to the orders of the ameens of police.

What other persons are subject to the authority of ameens of police.

XIX. *First.* All pykes, chokeedars, pasbans, dosauds, nigabans, and other descriptions of village watchmen, who by Section XIII, Regulation XXII, 1793, are declared subject to the orders of the police darogahs, are further hereby declared to be equally subject to the orders of ameens of police, within their respective jurisdictions, in all matters relating to the office of the latter. All persons in the employment of ameens of police, whether as public or private servants, or who may be under their authority in any other capacity, are also required to obey all legal commands given by them, in the execution of their duty as officers of police.

Establishments payable by government not expected to be required by ameens of police.

Magistrates to report through the Nizamut Adawlut, if in any instance establishments appear necessary.

Second. Considering the descriptions of persons from whom the ameens of police are to be selected under this Regulation, it is not expected that they will require any distinct establishment of public officers, at the charge of government, to enable them to perform the duties required from them. But if such establishment appear, in any instance, to be indispensably requisite, the zillah magistrate will report it, through the court of Nizamut Adawlut, for the consideration of government.

Provisions of Section XVIII, Regulation XXII, 1793, declared applicable to ameens of police.

XX. The provisions in Section XVIII, Regulation XXII, 1793, for a reward of ten rupees, on account of every decoit apprehended by a police darogah, and for a commission of ten per cent on the value of all stolen or plundered property recovered by a police darogah, shall be considered equally applicable to decoits apprehended; and stolen or plundered property recovered by a police ameen.

Recapitulation of Section XIII, Regulation XXII, 1793.

The several descriptions of persons herein specified required to send to the magistrates within three months after the promulgation of this Regulation a list of all village watchmen in their employ.

XXI. By Section XIII, Regulation XXII, 1793, the police darogah is directed to keep a register of the village watchmen, declared subject to his orders; and upon the death or removal of any of them, the landholders, or others, to whom the filling up the vacancies may belong, are required to send the names of the persons whom they may appoint, to the darogah of he jurisdiction, that they may be registered by them. For the more complete formation of the register in question, and to enable the zillah and city magistrates, at all times, to ascertain what number and descriptions of watchmen and guards are maintained, in aid of the police, throughout their respective jurisdictions, it is hereby further required, that every landholder, farmer, merchant, or other person, employing pykes, chokeedars, pasbans, nigabans, burkundazes, or any other description of watchmen, or guards, shall, within three months after the promulgation of this Regulation, transmit a list thereof, specifying the names, occupations, places of residence, and allowances in land or money, of the several persons entertained by them, to the magistrate

of

of the zillah or city in which they are employed. They shall also transmit to the magistrate a similar list, in the first month of each succeeding Bengal, Fusly, or Willaity year (according to the era current in the district) made up to the last day of the preceding year: any neglect to furnish such lists, (especially after being called upon by the magistrate) as well as any wilful omission to include in them persons actually employed as guards or watchmen, of whatever denomination, shall be liable to a fine to government, not exceeding two hundred rupees; to be determined by the magistrate, according to the situation of the party and circumstances of the case.

Also to transmit a similar list in the first month of each of the years herein specified, made up to the last day of the preceding year.

Penalty for breach of this rule and for wilful omission to include in the lists all persons employed by them as guards or watchmen.

A. D. 1807. REGULATION XIII.

A REGULATION *for modifying certain parts of Regulation* **XXXV**, 1793, *Regulation* **XLV**, 1803, *and Regulation* **XII**, 1805; *relative to engagements for rupees, or gold mohurs, not being of the established coinage.*—PASSED *by the Governor General in Council, on the 25th June* 1807; *corresponding with the 12th Assaur* 1214 *Bengal era; the 5th Assaur* 1214 *Fusly; the 12th Assaur* 1214 *Willaity; the 5th Assaur* 1864 *Sumbut; and the 18th Rubbee-us-sanee* 1222 *Higeree.*

IN Section XX, Regulation XXXV, 1793, it is declared, that after the tenth of April 1794 (extended by Regulations VI, 1794, and LIX, 1795, to the 10th April 1796.) no person shall recover in any court of judicature, in the provinces of Bengal, Behar, or Orissa, any sum of money, under a bond or other writing, or any agreement, written or verbal, entered into, after the abovementioned date, by which any sum of money shall be stipulated to be paid in any species of rupees excepting sicca rupees or gold mohurs of the nineteenth sun, or the halves and quarters of each. By Section XXI of the same Regulation, all proprietors and farmers of land are prohibited from concluding engagements with their under farmers, ryots, or dependent talookdars, after the tenth of April 1794 (extended as above to the 10th April 1796.) in any species of rupees, or gold mohurs, excepting the sicca rupees and gold mohurs of the nineteenth sun, under the penalty of not being permitted to recover any arrears that may become due to them under such engagements. By Sections XV and XVI, Regulation XII, 1805, the same provisions are extended to the zillah of Cuttack, from the expiration of the Williaty year 1213. Sections XXV and XXVI, Regulation XLV, 1803, relative to the ceded provinces, and extended to the adjacent conquered provinces, as well as to the zillah of Bundlecund, by Section XXVIII, Regulation VIII, 1805, contain similar provisions respecting the Lucnow forty-fifth sun sicca rupee, which has been established as the legal coinage of those provinces, to be in force from the commencement of the Fusly year 1216. The object of these provisions, and of others enacted by the Regulations referred to, was to remedy the ill consequences produced by the circulation of various rupees, of different and fluctuating value; and to establish one rupee, of fixed weight and fineness, to be the general standard and measure of value, viz. the nineteenth sun sicca rupee (with its correspondent gold-mohur of the same sun) described in Section II, Regulation XXXV, 1793, for the provinces of Bengal, Behar, and Orissa, including Cuttack; and the Lucnow forty-fifth sun sicca rupee, described in Section II, Regulation III, 1806, for the provinces ceded by the Nuwaub Vizier, the conquered provin-

ces

ces in the Doab and on the right bank of the Jumna, and the zillah of Bundlecund. The period specified for the operation of the provisions in question in the ceded and conquered provinces is not yet expired ; but since the expiration of the period fixed for the operation of them in the provinces of Bengal, Behar, and Orissa, many engagements and agreements have been entered into, within those provinces, for rupees of local currency, or used as a known and accustomed measure of value though no longer current. In some instances this has been ascertained to proceed from an insufficient promulgation of the Regulations, and in general the party receiving for money or value due to him, an engagement declared invalid by the Regulations, must be presumed not to have been aware of the existence of such a provision, at the time of his taking the nugatory engagement. In such cases the penalty of non-recovery by judicial process is not only a hardship to the individual, but is repugnant to the ends of justice. It is therefore expedient, that the provisions abovementioned, should be modified, in such manner as may be consistent with the object of policy intended by them. The following rules have accordingly been enacted for that purpose by the Governor General in Council, to be in force from the periods therein specified, throughout the whole provinces immediately subject to the presidency of Fort William, except the province of Benares, for the coinage of which no Regulation has been yet published.

Section XX, and part of Section XXI, Regulation XXXV, 1793, and parts of Regulations VI, 1794 and LIX, 1795, rescinded.

II. Section XX, Regulation XXXV, 1793, and so much of Section XXI, of the same Regulation, as declares a penalty of non-recovery upon engagements in any species of rupees or gold-mohurs, excepting those of the nineteenth sun, together with such parts of Regulations VI, 1794 and LIX, 1795, as relate to the rule contained in Section XX, Regulation XXXV, 1793, and the penalty declared in Section XXI, of that Regulation, are hereby rescinded.

Section XV, and part of Section XVI, Regulation XII, 1805, rescinded.

III. Section XV, Regulation XII, 1805, relative to the zillah of Cuttack, and so much of Section XVI, of the same Regulation, as declares a penalty of non-recovery upon engagements in any species of rupees or gold mohurs, excepting the Calcutta sicca rupees and gold mohurs of the nineteenth sun, are also rescinded.

How bonds or other engagements or agreements written, or verbal, entered into in the provisions herein specified stipulating for the payment of money in any other species of rupee or gold mohur, than the sicca rupee or gold mohur of the nineteenth sun, may be liquidated at the option of the debtor.

IV. Bonds, or other engagements, and all agreements written, or verbal, which have been or may be entered into, within the provinces of Bengal, Behar, or Orissa, including Cuttack, stipulating for the payment of money in any other species of rupee or gold mohur than the sicca rupee or gold mohur of the nineteenth sun, described in Section II, Regulation XXXV, 1793, may be liquidated, at the option of the debtor, in the gold mohur of the nineteenth sun, or in the nineteenth sun sicca rupee, at the valuation stated in the table of sicca and other rupees, contained in Section XIV, Regulation XXXV, 1793.

How bonds or other engagements or agreements stipulating for the pay-

V. If the bond, or other engagement, or agreement, stipulate for the payment of any species of rupee, not specified in the table referred to in the preceding section,

it

it shall be at the option of the debtor to pay in rupees or gold mohurs of the nineteenth sun, the intrinsic value of the rupees stipulated, to be ascertained by assay at the nearest mint, in the manner provided by Section XVI, Regulation XXXV, 1793, and Section XIII, Regulation XII, 1805.

ment of any species of rupee not specified in the table referred to in the preceding section, may be liquidated at the option of the debtor.

VI. The courts of judicature within the provinces of Bengal, Behar and Orissa, (including Cuttack) in giving judgment upon bonds, or other engagements, stipulating for the payment of money in any other species of rupee or gold mohur, than the sicca rupee or gold mohur of the nineteenth sun, shall adjudge the amount to be payable in gold mohurs or sicca rupees, of the nineteenth sun, according to the table of valuation contained in Section XIV, Regulation XXXV, 1793; or if the stipulated species of rupee be not specified in that table, according to the intrinsic value to be ascertained by assay in the manner prescribed by the preceding section.

How the courts of judicature are to give judgment in the provinces herein specified, on bonds or other engagements stipulating for the payment of money in any other species of rupee or gold mohur, than the sicca rupee or gold mohur of the nineteenth sun.

VII. All bonds and other engagements, or agreements for the payment of money, which may be entered into after the promulgation of this Regulation, in any part of the provinces of Bengal, Behar and Orissa, (including Cuttack.) are required to be in the sicca rupee or gold mohur of the nineteenth sun; under penalty, for disobedience to this requisition, of a fine to government, to be levied from the person taking such engagement, not exceeding one fourth of the amount stipulated to be paid in any other species of rupee or gold mohur.

All engagements for the payment of money entered into in the provinces herein specified after promulgation of this Regulation, to be in the sicca rupee or gold mohur of the nineteenth sun.
Penalty for breach of this rule.

VIII. The civil courts of judicature shall enforce the penalty provided for in the preceding section, in all cases judicially before them, wherein any bond, engagement, or agreement, executed after the promulgation of this Regulation, may be found to stipulate for the payment of any other species of rupee or gold mohur, than those of the nineteenth sun.

Civil courts to enforce the penalty in all cases judicially before them after the promulgation of this Regulation, wherein a breach of the above rule may appear.

IX. Section XXV, Regulation XLV, 1803, relative to the ceded provinces, and extended to the adjacent conquered provinces, as well as to the zillah of Bundlecund, by Section XXVIII, Regulation VIII, 1805, together with such part of Section XXVI, Regulation XLV, 1803, as declares a penalty of non-recovery upon engagements in any species of rupee, except the Lucnow forty-fifth sun sicca rupee, established by the said Regulation, are hereby rescinded.

Section XXV, Regulation XLV, 1803, and part of Section XXVI, Regulation XLV, 1803, rescinded.

X. Bonds or other engagements, and all agreements, written or verbal, which have been or may be entered into, within the ceded provinces (including the several zillahs specified in Section II, Regulation II, 1803), or within the conquered provinces and Bundlecund (including the zillahs specified in Section III, Regulation VIII, 1805), stipulating for the payment of money in any other species of rupee than the Lucnow forty-fifth sun sicca rupee, established as the legal coinage of the said provinces by Section II, Regulation XLV, 1803, and Section XXVIII, Regulation VIII, 1805, may be liquidated, at the option of the debtor, in the Lucnow

How bonds or other engagements or agreements, written or verbal, entered into within the provinces herein specified, stipulating for the payment of money in any other species of rupee than the Lucnow forty-fifth sun sicca rupee, may be liquidated at the option of the debtor.

Lucnow forty-fifth sun sicca rupee, described in Section II, Regulation III, 1806, at the valuation stated in the table of Lucnow sicca and other rupees, contained in Section V, of that Regulation.

How bonds or other engagements or agreements stipulating for the payment of any species of rupee not specified in the table referred to in the preceding section, may be liquidated at the option of the debtor.

XI. If the bond or other engagement, or agreement, stipulate for the payment of any species of rupee not specified in the table referred to in the preceding section, it shall be at the option of the debtor to pay in Lucnow sicca rupees of the forty-fifth sun, the intrinsic value of the rupees stipulated, to be ascertained by assay at the Furruckabad mint, in the manner provided by Section XXI, Regulation XLV, 1803.

How the courts of judicature in the provinces herein specified, are to give judgment, after the commencement of the Fusly year 1216, upon bonds or engagements stipulating for the payment of any other species of rupee than the Lucnow forty-fifth sun sicca rupee.

XII. After the commencement of the Fusly year 1216, the period fixed by Section XXIII, Regulation XLV, 1803, for the exclusive currency of the Lucnow forty-fifth sun sicca rupee, the courts of judicature within the ceded and conquered provinces, and Bundlecund (including the zillahs specified in Section I, Regulation II, 1803, and Section III, Regulation VIII, 1805), in giving judgment upon bonds, or other engagements, or agreements, stipulating for the payment of money in any other species of rupee than the Lucnow forty-fifth sun sicca rupee, described in Section II, Regulation III, 1806, shall adjudge the amount to be payable in the prescribed Lucnow forty-fifth sun sicca rupee, according to the table of valuation contained in Section V, Regulation III, 1806; or, if the stipulated species of rupee be not specified in that table, according to the intrinsic value to be ascertained by assay in the manner prescribed by the preceding section.

After what period all engagements entered into in the provinces specified in the preceding section, are required to be in the Lucnow forty-fifth sun sicca rupee.
Penalty for breach of this rule.

XIII. All bonds and other engagements, or agreements, for the payment of money, which may be entered into, after the commencement of the Fusly year 1216, in any part of the provinces described in the preceding section, are required to be in the Lucnow forty-fifth sun sicca rupee, established as the legal coinage of the said provinces; under penalty for disobedience to this requisition, of a fine to government, to be levied from the person taking such engagement, not exceeding one fourth of the amount stipulated to be paid in any other species of rupee.

After what period the courts of judicature are to enforce the penalty in cases judicially before them, wherein a breach of the above rule may appear.

XIV. The civil courts of judicature shall enforce the penalty provided for in the preceding section, in all cases judicially before them, wherein any bond, engagement, or agreement, executed after the commencement of the Fusly year 1216, may be found to stipulate for the payment of any other species of rupee than the Lucnow forty-fifth sun sicca.

Nothing in this Regulation to be construed to affect the provisions in Regulation IV, 1807.

XV. Nothing in this Regulation shall be construed to affect the provisions contained in Regulation IV, 1807, for determining the rates at which rupees of sorts are to be received and issued in the ceded and conquered provinces (including Cuttack) during the existence of the depending settlement of the land revenue in those provinces.

A. D. 1807. REGULATION XIV.

A REGULATION *for amending the system of police established in the province of Benares, and in the ceded and conquered provinces within the divisions of Bareilly and Benares. Also for extending to those provinces the provisions contained in Regulation XII,* 1807, *for the appointment of ameens of police.*—PASSED *by the Governor General in Council, on the* 2d *July* 1807; *corresponding with the* 19*th Assaur* 1214 *Bengal era; the* 12*th Assaur* 1214 *Fusly; the* 19*th Assaur* 1214 *Willaity; the* 12*th Assaur* 1864 *Sumbut; and the* 25*th Rubbee-us-sanee* 1222 *Higeree.*

THE tehseeldary system of police established in the province of Benares, and in the ceded and conquered provinces within the divisions of the Bareilly and Benares courts of circuit, has been found inefficient for the purposes intended by it; and open to material objections, as well from a proper establishment of police officers not being maintained by the tehseeldars, and from such as are appointed by them not being sufficiently under the control of the magistrates; as from the frequency of alterations in the extent of their jurisdictions, in consequence of some of the estates composing them becoming huzooree tehseel, under the option given to the landholders to pay their revenue directly into the treasury of the collector. It has been provided by Section V, Regulation VII, 1807, in the province of Benares, that whenever a zemindar shall become huzoory, he shall be considered responsible directly to the magistrate for the apprehension of public offenders, and for the support of the police generally within the limits of his estate: a similar provision was made in the ceded provinces by Section XXVI, Regulation XXXV, 1803, (extended to the conquered provinces, and to Bundlecund by Regulation IX, 1804,) whereby the rules contained in that Regulation relative to the tehseeldars were declared to be equally applicable to landholders when estates might be huzoory tehseel. But such estates are often too small to admit of a separate police establishment being kept up by the proprietors of them; and are frequently intermixed with other estates, either subject to a tehseeldar, or paying revenue immediately to the collector. Compact local jurisdictions which are essential for a good police, are therefore incompatible with such an arrangement; and cannot be obtained without resuming the general charge of the police of the country from the tehseeldars, and huzoory landholders, and placing it under officers appointed to the superintendence of the police on the part of government; subject to the immediate control of the zillah and city magistrates. The landholders and farmers of land, who by their engagements are responsible for the preservation of the peace within the limits of their respective estates and farms, may however be still entrusted with the local police, subordinately to the Preamble.

officers

officers of government, and as well as the tehseeldars, may be employed as ameens of police; under the provisions of Regulation XII, 1807, which it is therefore expedient to extend to the province of Benares, and to the ceded and conquered provinces in the divisions of Bareilly and Benares. The Governor General in Council has accordingly enacted the following Regulation to be in force throughout those provinces, from the commencement of the ensuing Fusly year 1215. (a)

Such part of Regulation XVII, 1795, as herein noted, rescinded.

II. *First*. So much of Regulation XVII, 1795, or of any other Regulation, as declares the police of the province of Benares to be under charge of the tehseeldars; or which relates to the duty or responsibility of the tehseeldars, as officers of police, is hereby rescinded.

Such part of Section V, Regulation VII, 1807, as contains the provisions therein mentioned, rescinded.

Second. Such part of Section V, Regulation VII, 1807, as provides that whenever a zemindar in the province of Benares may become huzoory, he shall be considered responsible directly to the magistrate, for the apprehension of public offenders, and for the support of the police generally within the limits of his estate, is also rescinded.

So much of Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) or of any other Regulation, as declares the police to be vested in the tehseeldars or relates to their duty and responsibility, rescinded.

III. *First*. So much of Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) or of any other Regulation, as declares the police of the provinces ceded by the Nawaub Vizier, of the conquered provinces in the Dooab, and on the right bank of the river Jumna, or of the ceded territory in Bundlecund, to be under charge of the tehseeldars; or which relates to the duty or responsibility of the tehseeldars, as officers of the police, is hereby rescinded.

Part of Section XXVI, Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) rescinded.

Second. Such part of Section XXVI, Regulation XXXV, 1803, (extended to the conquered provinces and Bundlecund, by Regulation IX, 1804,) as declares the whole of the rules contained in that Regulation, relative to the tehseeldars, to be equally applicable to landholders whose estates are huzoory tehseel, is likewise rescinded.

From what date the police of the ceded and conquered provinces shall be vested in officers to be appointed on the part of government, and subordinately to them in the zemindars and farmers of land.

IV. From the commencement of the ensuing Fusly year 1215, the charge of the police of the country, throughout the whole of the provinces specified in the two preceding sections, shall be vested, subject to the control of the zillah and city magistrates, in the officers who may be appointed to the superintendence of it on the part of government; and subordinately to them in the landholders, and farmers of land, who, by their engagements are responsible for the preservation of the peace, within the limits of their respective estates and farms.

(a) In force also in the Jaghire of the late Killadar of Calenger, annexed to the zillah of Bundlecund, since the 19th June, 1812. Certain territories and jaghires situated on the borders of that zillah, have been exempted from the operation of the general Regulations. See Regulation XXII, 1812.—In force also in the Purgunnah of Handya, annexed to the zillah of Allahabad, subject, however, to certain provisions. See Regulation XVIII, 1816.

V.

V. *First.* The several zillahs, in the divisions of the Benares and Bareilly courts of circuit, together with the mehauls under the magistrate of the city of Benares, shall be divided into compact police jurisdictions; including, indiscriminately, the estates of huzoor tehseel landholders, and of mehauls paying revenue through a tehseeldar; as well as lakheraje lands, of every denomination, held exempt from the public assessment.

Compact police jurisdictions to be formed of the several zillahs in the divisions of the Benares and Bareilly courts of circuit, including the mehals under the magistrate of the city of Benares.

Second. The police jurisdictions shall be of two descriptions; first, such as are established at the station where the zillah or city court is held; and which shall be denominated the "sudder police jurisdiction;" secondly, such as are established at any place not being the station where the zillah or city court is held; and which shall be denominated the "mofussil police jurisdictions."

Police jurisdictions to be of two descriptions and to be denominated as herein directed.

VI. *First.* The sudder police jurisdictions shall comprise the city or town, at which the zillah or city court is held; together with such part of the suburbs and environs, as it may be judged expedient to place under the superintendence of a cutwal, with an establishment of darogahs, jemadars, burkundazes, and chokeedars, or other watchmen, proportionate to the extent and population of the jurisdiction.

What the sudder police jurisdictions are to comprise and by what officer they are to be superintended.

Second. The mofussil police jurisdictions shall respectively comprise a considerable town or gunge, at which the superintendant of the jurisdiction shall be stationed; together with such part of the adjacent country as it may be deemed advisable to place under the superintendence of a darogah, with an establishment of jemadars, burkundazes, and chokedars, or other watchmen, proportionate to the extent and population of each jurisdiction.

What the mofussil police jurisdictions are to comprise, and by what officer they are to be superintended.

Third. In proposing a distribution of mofussil police jurisdictions, and the requisite establishments for them, the magistrates are to attend as much to the population, and, number of towns, villages, and other inhabited places, as to the extent of country; but the latter shall, in no instance, exceed ten coss square, for any one police jurisdiction; unless peculiar local circumstances shall appear to require it, in which case, they are to be reported, through the court of Nizamut Adawlut, for the consideration of government.

To what circumstances the magistrates are to attend in proposing a distribution of mofussil police jurisdictions.

No police jurisdiction to exceed ten coss square, unless local circumstances require it, which are to be reported through the Nizamut Adawlut for the consideration of government.

Fourth. If the principal town or gunge, included in any mofussil police jurisdiction, shall from its extent and population appear to require a cutwalee establishment; or if it appear expedient, in any instance, to include more than one considerable town or gunge within a mofussil police jurisdiction, and to station a naib darogah, or a jemadar, with a subordinate establishment of burkundazes, chokeedars, or other watchmen, at the town or gunge, which may not be the station of the darogah of the

How a magistrate is to proceed, if the principal town or gunge in a mofussil police jurisdiction shall appear to require a cutwalee establishment, or if it appear expedient to include more than one large town or gunge in a mofussil police jurisdiction.

the jurisdiction, the magistrates shall propose such arrangement, through the court of Nizamut Adawlut, for the orders of the Governor General in Council. (b)

Police jurisdictions to be numbered and named.

Magistrates to submit statements of police jurisdictions and establishments formed according to the provisions of this Regulation through the courts of circuit to the Nizamut Adawlut; and after being approved by government, the names, numbers, limits and establishments, not to be changed without the previous sanction of government.

VII. *First.* The police jurisdictions of the several zillahs, as well as those under the magistrate of the city of Benares, shall be numbered; and named after the places at which the superintending officers are stationed. The magistrates shall, as soon as possible, after the receipt of this Regulation, submit a statement of police jurisdictions, formed according to the provisions of it, together with a statement of the requisite police establishments for each jurisdiction through the courts of circuit, to the court of Nizamut Adawlut; and after obtaining the approbation of the Governor General in Council thereto, the names, numbers, limits, or establishments, of the several jurisdictions, shall not be changed without the previous sanction of government. (b)

Provided that the Governor General in Council may order the discontinuance of any police jurisdiction or establishment, or any alteration therein.

Second. Provided that it shall be, at all times, competent to the Governor General in Council, to order the discontinuance of any police jurisdiction, or establishment, which may appear to him unnecessary; or any alteration therein, which he may deem expedient.

Rules to be observed in the nomination of the cutwals and darogahs by the magistrates who are declared responsible for selecting persons duly qualified.

VIII. *First,* The magistrates shall nominate the cutwals, and police darogahs, through the court of Nizamut Adawlut, for the approbation of the Governor General in Council; they will in consequence, be held responsible for selecting persons duly qualified; and are required, in every instance, to report to the Nizamut Adawlut, any information obtained by them respecting the past employments, character, and qualifications, of the persons proposed by them. (c)

Recapitulation of Section XXV, Regulation XVII, 1795.

No persons to be appointed cutwals of the cities of Allahabad, Agra, Furruckabad or Bareilly, without giving the security herein specified.

Second. The cutwals, of the city of Benares, and town of Mirzapore, are already required by Section XXV, Regulation XVII, 1795, to give security for their appearance, in the sum of five thousand rupees; namely, the cutwal himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each. The cutwal of the town of Juanpore is required, by the same section, to give security in half the above amount. It is further hereby provided, that no person shall be appointed cutwal of the cities of Allahabad, Agra, Furruckabad or Barreilly, unless he shall have given security for his appearance in the sum of five thousand rupees; viz, himself in two thousand five hundred; and two responsible persons in one thousand

(b) Modified by Regulation XVII, 1816, Sections VIII and XIII:—the magistrates are empowered to station at out-posts a portion of their thanna establishment, not exceeding one third, without reference to other authority. Correspondence between the government and the magistrates, on matters of police, are red to be conducted through the offices of the Superintendants of Police.

e magistrates are empowered to appoint and remove their police officers, without a reference to ority; but, at the period of the sessions, they are required to submit a list of the appointments of olice darogahs and jailors, to the Courts of Circuit, accompanied with sundry particulars of such ents; and deaths, resignations, removals and appointments, of cutwals and police darogahs, are also rted to the Superintendants of Police, whenever they occur. See Regulation XVII, 1816, Sections IX.

two

two hundred and fifty each. The cutwals appointed to any other stations under this Regulation shall previously give security for their appearance in the sum of two thousand five hundred rupees; namely, the cutwal himself in one thousand two hundred and fifty rupees; and two responsible persons in an equal amount.

What security is to be given by the cutwals appointed under this Regulation.

Third. The several police darogahs, who may be appointed under this Regulation, shall give security for their appearance in the sum of one thousand rupees; namely, the darogah himself in five hundred; and two responsible persons in two hundred and fifty each.

What security is to be given by the police darogahs appointed under this Regulation.

Fourth. Every cutwal and police darogah previously to entering upon the execution of the duties of his office, shall subscribe the following declaration before the magistrate; or before such person as he may commission to receive it:—

Declaration to be subscribed by every cutwal and darogah previously to entering upon the duties of his office.

Form of declaration.

"I ———, appointed cutwal of the city (or town) of ——— (or darogah of the ward, or police jurisdiction of ———.) solemnly declare, that I will execute the duties of that office, to the best of my abilities, with diligence, impartiality and integrity; according to the Regulations enacted, or which may be hereafter enacted, for my guidance; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive any fee, reward, or emolument whatsoever, on account of any matter relating to the exercise of my functions as cutwal (or darogah), and that I will, in all respects, faithfully discharge the trust reposed in me.

Fifth. On the nomination of a person to the office of cutwal, or police darogah, being approved by the Governor General in Council, (*d*) such person shall receive a sunnud, under the official seal and signature of the magistrate, in the Persian language, and to the following effect:—

Sunnuds to be granted to cutwals and police darogahs.

Form of sunnud.

"Be it known to ———, inhabitant of ———, in virtue of the powers vested in me, by Regulation XIV, 1807, I hereby appoint you cutwal of the city (or town) of ———, (or darogah of the ward, or police jurisdiction, of ———,) within the limits specified at the foot of this sunnud. You are accordingly authorized and directed to perform the duties of the said office, in conformity with the provisions of that Regulation; or of any other Regulation in force, which has been, or may be enacted by the Honorable the Governor General in Council; and which shall have been printed and published in the prescribed form. You are further required to obey all orders, consistent with the Regulations, which may be issued to you by the magistrate of the zillah (or city) in which you are employed. And are to discharge the trust reposed in you, faithfully and diligently, until this sunnud shall be recalled; when it is to be delivered back to the office of the magistrate. Herein fail not. Dated ——— A. C. corresponding with ———."

(*d*) See the last Note.

Sixth.

No cutwal or police darogah to be removed from office without the sanction of the Governor General in Council.

Sixth. No person receiving a sunnud under the preceding clause, shall be removable from the office of cutwal, or police darogah, without the sanction of the Governor General in Council, communicated through the court of Nizamut Adawlut, in conformity with the rules stated in Section X, Regulation V, 1804. (*e*)

Subordinate officers of the cutwals and darogahs to be appointed and removed by them with the sanction of the magistrate.

IX. The mohrirs, jemadars, burkundazes, chokeedars, and any other officers, appointed on the part of government to act under the cutwals and police darogahs, shall be nominated by them for the approbation of the magistrate; and may be removed by them, on sufficient cause shewn to the satisfaction of the magistrate, as provided by Section XII, Regulation V, 1804.

Rules in Regulation XVII. 1795, for the police of the places herein mentioned, to be still considered in force.

X. *First.* The rules enacted by Regulation XVII, 1795, for the police of the city of Benares, and the towns of Mirzapore and Juanpore, shall be still considered in force; subject to the provisions contained in this Regulation.

Rules in Regulation XVII, 1795, not to be considered applicable to the police of the town of Ghazeepore. Except as far as consistent with the present provisions for mofussil police jurisdictions.

Second. The zillah of Ghazeepore having been discontinued, the rules contained in Section XXII, and the succeeding sections of Regulation XVII, 1795, shall not be considered applicable to the police of the town of Ghazeepore, except as far as the same may be consistent with the provisions for mofussil police jurisdictions, contained in the present Regulation.

Rules similar to those enacted by Regulation XVII, 1795, and subsequent Regulations prescribed with modifications for the whole of the sudder police jurisdictions.

XI. *First.* The following rules, with modifications, the same as those enacted by Regulation XVII, 1795, and by subsequent Regulations, for the police of the city of Benares, and the towns of Mirzapore and Juanpore, are prescribed for the whole of the sudder police jurisdictions, of the several zillahs within the divisions of Benares and Bareilly. (*f*)

Sudder police jurisdictions to be divided into wards. Each ward to be guarded by a darogah and establishment, under the superintendence of a cutwal, and subject to the control of the magistrate.

Second. The city or town, constituting, with its suburbs, the sudder police jurisdiction, shall be divided into wards. Each ward to be guarded by a police darogah, with a jemadar, and an establishment of burkundazes, chokeedars, or other watchmen. The several darogahs to be under the superintendence of a cutwal, and the whole under the immediate control of the magistrate.

Watchmen to be stationed by the cutwal as the magistrate may direct.

Third. The chokeedars and other watchmen, are to be stationed by the cutwal, as the magistrate may direct; and are particularly to watch the entrances of streets and passages, places where spirituous liquors are sold, and any places where numbers of people occasionally assemble; or, where, from any circumstances there may be reason for special vigilance, to prevent a breach of the peace, or apprehend the persons by whom it may be broken.

Rules for patrolling the wards.

Fourth. The jemadars of the several wards, with half of the establishment of burkundazes, and the darogahs with the other half of their establishments, shall patrole their respective wards without intermission; the one from sun-set until twelve o'clock

(*e*) See the Note (c) to Section VII, Clause I, of this Regulation.

(*f*) See the Circular Orders of the Nizamut Adawlut, new edition, under the Head—POLICE, pages 45 and 118, relative to the duties of officers of police, including inquests and other local inquiries.

o'clock at night; the other from twelve o'clock at night until day light. The patroles are to move about with as little noise as possible, that thieves and other disorderly persons, may not be apprized of their approach. The patroles of the several wards, and such part of the stationary watchmen as the cutwal shall appoint, are to be furnished with a sighara or horn, which they are to sound when they meet with robbers, or other persons guilty of a breach of the peace, and have occasion to give the alarm to each other, or to the inhabitants of the ward, that they may co-operate for the apprehension of the offenders. The cutwal is to be careful that the stationary watchmen, and the darogahs and their officers, perform the essential duties prescribed in this clause regularly and properly; and to report to the magistrate every instance in which they may be guilty of negligence, or misconduct, in the discharge of them.

Mohulladar and mohulladarin to be appointed to each ward, and reports to be made by the bhutiarehs and ghaut mangees.

Fifth. To assist the darogahs in obtaining the earliest intelligence of any robbers, or other offenders, who may be concealed, or have taken up their residence, within their respective wards, the *mohulladar*, and *mohulladarin*, of each ward shall be subject to the orders of the darogah; to whom they shall convey *immediate information* of any offenders who may be found in their respective wards.

Their duties.

It shall also be the duty of the *bhutiarehs*, or other persons in charge of the public serays, and of the ghaut mangees, to deliver in to the cutwal's office, or to the darogah of the ward, daily reports, of the arrival and departure of travellers, and of all persons of suspicious appearance.

Rules in respect to private watchmen entertained and paid by individuals.

Sixth. All private watchmen, entertained by individuals, for guarding their houses, shops, or other premises, within the cutwalee jurisdiction, are required to act in concert with the officers of police in maintaining the peace; and are declared subject to the orders of the cutwal, and of the darogahs of their respective wards, in all matters relative to the police. If such watchmen be found deficient in performing the duties required from them, they shall be dismissed at the requisition of the magistrate; who is also empowered to see that none but proper persons are appointed in their stead. (g)

What descriptions of persons the cutwals and darogahs are to apprehend, and how they are to proceed with them when apprehended.

Seventh. It shall be the duty of the cutwal and of the darogahs of wards, to apprehend all murderers, robbers, house-breakers, thieves, pick-pockets, and persons charged with, or suspected, of crimes, or misdemeanors, involving a breach of the peace; as well as all vagrants who may be lurking about their respective jurisdictions, without any ostensible means of subsistence, and who cannot give a satisfactory account of themselves. All such persons, who may be apprehended by the darogahs between sun-rise and sun-set, shall be conveyed to the cutwal's office immediately on their apprehension. If any such persons shall be apprehended between sun-set and sun-rise, they shall be conveyed to the cutwal's office, early in the morning after the night on which they may have been apprehended. The cutwal shall, every forenoon,

(g) The magistrates have been invested with further powers for the punishment of the description of watchmen specified in this clause, for neglect or misconduct, by Regulation III, 1812, Section VI.

noon, by eleven o'clock, take before the magistrate, all persons who may have been apprehended by him, or by the darogahs, during the night, or, subsequently to his report on the preceding day. The cutwal and darogahs are prohibited from detaining in custody, any persons whom they may have apprehended, beyond the time specified, without a special order from the magistrate.

Cutwals and darogahs not to discharge persons once apprehended, except in the cases and under the restrictions herein specified.

Eighth. The cutwal and darogahs shall not discharge any persons whom they may have apprehended, without authority from the magistrate for their release; excepting persons who may have been apprehended for petty offences of a bailable nature, and who shall tender sufficient bail for appearance before the magistrate at the time prescribed; *or persons charged with trivial offences, such as abusive language, slight trespasses, and inconsiderable assaults or affrays; whom the cutwal and darogahs are permitted to discharge, if previously to the time prescribed for carrying them before the magistrate, the complainants shall voluntarily deliver a razenamah, or writing, desiring to withdraw the complaint; and the defendants shall consent to the complaint being withdrawn. The razenamahs in such cases, shall be attested by two creditable witnesses, and are to be transmitted by the darogahs,* (h) as well as all bail bonds, and recognizances, on the morning following, the night or day on which they may have been executed, to the cutwal; who shall submit them to the magistrate, the same morning on which he may have received them, together with any such writings, relating to similar cases, that may have been entered into before himself.

In performing the duties herein specified, cutwals and darogahs to be guided by the rules prescribed in Sections XII to XV, Regulation IX, 1807;

And to observe the restriction in Section XIV, of that Regulation.

Ninth. In receiving written complaints, issuing process of summons or warrant, taking bail when tendered in cases of a bailable nature, and taking recognizances from prosecutors and witnesses, when requisite; the cutwal and darogahs of wards, are to be guided by the rules enacted for the guidance of the police officers in general, in Sections XII, XIII, XIV and XV, of Regulation IX, 1807. *They are also to observe the restriction contained in Section XIV, of that Regulation, that no summons or other process shall be issued by any police officer, without special instructions from the magistrate, on any charge of adultery, fornication, calumny, or other offence, not involving a breach of the peace.* (i)

To what the duty of cutwals and darogahs is restricted in the first instance.

Further restrictions.

Tenth. The duty of the cutwal and darogahs of wards, with regard to persons charged with, or found in the act of committing, crimes or misdemeanors, is restricted in the first instance to apprehending them, and bringing them before the magistrate, either in custody, or under bail, as prescribed. They are not to make any inquiry into the truth of charges preferred to them, without special instructions from the magistrate; nor are they in any case to pass sentence, or impose a fine, or make any exaction, or inflict any punishment upon any person whatever.

(h) The parts of this clause as are printed in Italics, are rescinded by Regulation VII, 1811, Section II: Charges of the nature therein specified, are not receivable by police officers, but are to be preferred, in the first instance, to the magistrate.

(i) The latter part of this clause is rescinded by Regulation VII, 1811, Section II:—See the last Note.

Eleventh.

Eleventh. The restriction in the preceding clause, is not meant to prohibit the cutwal and police darogahs, from taking inquests in cases of murder or other unnatural death; as prescribed by Section IX, Regulation IV, 1797; and Section XXV, Regulation XXXV, 1803; nor to prohibit their making the local inquiry directed in Section XVIII, Regulation IX, 1807, on information being received of a recent robbery or other violent crime, within their respective jurisdictions; nor to prevent their taking the voluntary confession of persons apprehended by them, in the manner authorized by Section XVII, Regulation IX, 1807. But no person shall be detained in custody by them, for any of the purposes stated, without being taken before the magistrate, as required by Clause Seventh of this section.

Restrictions in the preceding clause not meant to prohibit the cutwals and darogahs from making the inquiries herein specified.

Nor to prevent their taking voluntary confessions.

But no person to be detained by them for any of these purposes.

Twelfth. The cutwals and darogahs, and all officers under their authority, shall be liable to a criminal prosecution before the magistrate and court of circuit; or to a civil action in the dewanny adawlut, for corruption, extortion, or oppression, and for all acts done by them in opposition to this Regulation, or to the provisions of any other Regulation in force. *(j)*

Cutwals and darogahs and their subordinate officers liable to a civil or criminal prosecution for any of the illegal acts herein mentioned.

XII. *First.* The police darogahs and their subordinate officers, who may be appointed, under this Regulation, to the mofussil police jurisdictions of the several zillahs in the divisions of Benares and Bareilly, as well as to any mofussil police jurisdictions under the magistrate of the city of Benares, shall perform the duties of police, prescribed for the tehseeldars, and police darogahs, and their establishments, by Regulation XVII, 1795, Regulation XXXV, 1803, and any other Regulation in force; subject to the provisions contained in the present Regulation

Darogahs of mofussil police jurisdictions and their subordinate officers to perform the duties of police prescribed by Regulations XVII, 1795, XXXV, 1803, and any other Regulation in force, subject to the present provisions.

Second. The whole of the rules contained in the Regulations specified in the preceding clause, which relate to the powers and duties of the tehseeldars, as officers of police, viz. Sections VII, to XX, of Regulation XVII, 1795, and Sections VII, to XXI, of Regulation XXXV, 1803, are hereby declared applicable to the darogahs of mofussil police jurisdictions who may be appointed under this Regulation; subject to the several modifications of the rules in question, contained in Sections XII to XVIII, of Regulation IX, 1807, which are also declared applicable to the mofussil police darogahs appointed under this Regulation.

Rules contained in Sections VII to XX, Regulation XVII, 1795, and Sections VII to XXI, Regulation XXXV, 1803, declared applicable to darogahs of mofussil jurisdictions, subject to the modifications contained in Sections XII to XVIII, Regulation IX, 1807.

Third. Section IX, Regulation IV, 1797, and Section XXV, Regulation XXXV, 1803, whereby police darogahs, and the principal local officers of police, acting under tehseeldars and landholders vested with charge of the police, were required to take inquest, as therein directed, in all cases of murder, or other unnatural death, are likewise hereby extended to the police darogahs, who may be appointed under this Regulation.

Sections IX, Regulation IV, 1797, and XXV, Regulation XXXV, 1803, extended to police darogahs appointed under this Regulation.

(j) See the Circular Orders of the Nizamut Adawlut, new edition, No. 12, page 7, for the construction of a similar provision as that contained in this Clause.

Fourth.

Rules in Section XI of this Regulation extended to the towns and gunges at which the darogahs of mofussil police jurisdictions may be stationed.

Fourth. The rules for stationary watchmen and nightly patroles, in the sudder police jurisdictions, contained in Clauses Third and Fourth, Section XI, of this Regulation, are hereby extended to the towns and gunges at which the darogahs of the mofussil police jurisdictions may be stationed. Where the police officers maintained on the part of government may be insufficient to perform the duties of watching and patrolling, they are to be assisted by the guards and watchmen described in Section XIII, Regulation XVII, 1795, and Section XIII, Regulation XXXV, 1803, who are declared subject to the orders of the police darogahs. Clause Sixth, Section XI, of this Regulation, is also declared applicable to all private watchmen, entertained by individuals, for guarding their houses, shops, or other premises, within the towns, gunges, or other places forming part of any mofussil police jurisdiction.

In what cases the watchmen described in Sections XIII, Regulation XVII, 1795, and XIII, Regulation XXXV, 1803, who are declared subject to the police darogahs, are to assist in watching and patrolling.

Clause Sixth, Section XI, of this Regulation, declared applicable to private watchmen in places forming part of a mofussil police jurisdiction.

Reward and commission authorized by the sections herein quoted, to be paid to cutwals and darogahs, sudder and mofussil, on seizing robbers or thieves or recovering stolen property.

XIII. *The cutwals and police darogahs, both sudder and mofussil, who may be appointed under this Regulation, shall for every robber or thief apprehended by them,* and and for all property stolen or plundered which may be recovered by them, be entitled to receive *the reward of ten rupees* and commission of ten per cent, authorized by Section XVII, Regulation XVII, 1795, and by Section XVIII, Regulation XXXV, 1803; to be paid in the manner therein provided. *But it is hereby declared, in qualification of those Sections, that the reward of ten rupees for apprehending a thief shall not be paid, excepting in cases of magnitude, such as may subject the offender to trial and conviction before the court of circuit.* (k)

Modification of those sections.

Tehseeldars in the division of Benares, and in the ceded and conquered provinces, being exonerated from their charge and responsibility as police officers, their allowances in the division of Benares to be reduced to ten per cent from the beginning of the Fusly year 1215, to the expiration of the Fusly year 1216, and in the ceded and conquered provinces from the beginning of the year 1215 to the expiration of that year.

XIV. *First.* The tehseeldars in the province of Benares and in the ceded and conquered provinces, within the divisions of Bareilly and Benares, being exonerated by Sections II and III, of this Regulation, from their charge and responsibility, as officers of police, and from the expense of maintaining police establishments, for which they were chargeable under their engagements, in part of their allowance from government of eleven and a half per cent (distinguished as *deyek* and *bhurray* in the province of Benares,) upon the annual amount of the public revenue collected by them; their allowance, from the commencement of the ensuing Fusly year 1215, until the expiration of the Fusly year 1215, (being the period of the present settlement) in the ceded and conquered provinces, and until the expiration of the year 1216, (being the period for which the sunnuds of the tehseeldars have been renewed) in the province of Benares, shall be reduced to and fixed at ten per cent on the annual amount of the revenue collected by them respectively, and the remaining one and a half per cent shall be applied to defray the expense of the police establishments maintained by government, under the provisions of this Regulation.

(k) The parts of this Section as are printed in Italics, are rescinded by Regulation XVI, 1810, Section XIV:—See Sections XV, XVI, XVII and XVIII, of that Regulation, relative to the offer and payment of rewards for the apprehension of offenders, and for the performance of meritorious services.

Second.

Second. The preceding clause is restricted to the tehseeldars now in office, and receiving an allowance of eleven and a half per cent upon the amount of the revenue collected by them respectively. It is not meant to apply to any tehseeldar now receiving a fixed salary, under the provisions of Regulation XXI, 1806; or to any person who may be hereafter appointed to the office of tehseeldar on the expiration of the periods above specified; or previously thereto on the death, resignation, or removal of the tehseeldars now in office, and in the receipt of a commission on the revenue. In such cases the Governor General in Council will fix the personal allowance of the successor, in pursuance of Section II, Regulation XXI, 1806.

To what tehseeldars the preceding clause is restricted and to what tehseeldars not meant to apply.

XV. The huzoor tehseel landholders being also exonerated by Sections II and III, of this Regulation, from keeping up any police establishments, excepting such as they were bound to keep when under tehseeldars, for the maintenance of the peace within their respective estates, they will not be entitled to any part of the allowance made to the tehseeldars, as noticed in the preceding section, on their becoming huzoory. This has been already provided, with respect to the huzoory landholders of the province of Benares, by Section III, Regulation VII, 1807.

Huzoor tehseel landholders being exonerated from keeping up police establishments, with the exception herein mentioned, are declared not entitled to any part of the allowance made to the tehseeldars, on their becoming huzoory.

Provision on this subject in Regulation VII. 1807, with respect to huzoory landholders in Benares.

XVI. (l) Nothing contained in this Regulation, however, shall preclude the tehseeldars, or landholders, in the province of Benares, and in the ceded and conquered provinces within the divisions of Bareilly and Benares, from receiving sunnuds and being employed as aumeens of police under the provisions of Regulation XII, 1807, entitled "A Regulation for the appointment of aumeens of police in the provinces of Bengal, Behar, and Orissa; and for defining the duties to be performed by them. Also for obtaining a complete register of guards and watchmen, employed by the landholders, farmers and others." The whole of the provisions in that Regulation are hereby extended to the province of Benares; and to the ceded and conquered provinces within the divisions of Bareilly and Benares.

Nothing in this Regulation to preclude tehseeldars or landholders in the provinces herein mentioned from receiving sunnuds as aumeens of police, under Regulation XII, 1807.

Provisions in that Regulation extended to the provinces herein specified.

XVII. Under the Regulation extended to the divisions of Bareilly and Benares, by the preceding section, commissions to act as aumeens of police may be granted to any tehseeldars, or farmers of land, as well as to the other descriptions of persons specified in Section IV, of that Regulation, who may appear to be deserving of confidence, and sincerely disposed to employ the means which they possess in promoting the maintenance of the peace, preventing the commission of crimes, and apprehending offenders. (l) It is further hereby declared, that if, in any particular tehseeldarees, estates, or farms, the Governor General in Council, on consideration of local or other circumstances, shall judge it expedient to postpone the introduction of the general system of police established by this Regulation; or any part thereof; or to grant the full powers of a mofussil police darogah to the tehseeldar, landholder, or farmer; or to commit the

To what persons sunnuds as aumeens of police may be granted under the Regulation abovementioned.

Provisions for postponing the introduction of the general system of police established by this Regulation in any particular tehseeldaries, estates or farms, or for granting the powers of a mofussil police darogah to a tehseeldar, landholder, or farmer, or for

(l) The whole of Section XVI. and those parts of Section XVII, as are printed in Italics, are rescinded by Regulation VI, 1810, Section VI.

making any other temporary police arrangement, if it appear expedient to the Governor General in Council.

the charge of the police to any other person, as a temporary arrangement; the same may be directed by an order to the magistrate, communicated through the court of Nizamut Adawlut. (m)

Magistrates to report through the Nizamut Adawlut when they may deem any special arrangement under the preceding section to be advisable.

XVIII. The zillah and city magistrates are directed to report, through the courts of circuit and Nizamut Adawlut, (m) for the information of the Governor General in Council, any instances, within their respective jurisdictions, in which they may think it advisable to adopt any special arrangement under the preceding section; stating fully the circumstances which require it, and the particulars of the arrangement proposed.

Nothing in this Regulation to be construed to affect the responsibility of the landholders and farmers declared in the Regulations herein quoted.

XIX. *First.* Nothing in this Regulation shall be construed to affect the responsibility of the landholders and farmers in the province of Benares and in the ceded and conquered provinces within the divisions of Bareilly and Benares, for robberies or thefts committed within their respective estates and farms; as declared in Section III, Regulation XVII, 1795; and in Clause First, of Section III, Regulation XXXV, 1803, extended to the conquered provinces and Bundlecund by Regulation IX, 1804.

Further responsibility to which they are rendered liable.

Second. They are further hereby declared responsible for the value of any stolen or plundered property, proved to have been brought into their estates or farms, with their knowledge or connivance, and which they may not have caused to be delivered up, or have given timely information respecting it to the local police officer, or to the magistrate.

All claims upon landholders and farmers under this section, to be tried in the civil courts.

Third. All claims upon the landholders and farmers for the value of stolen or plundered property, under this section, are to be instituted, tried, and decided in the civil courts; subject to the general rules of appeal.

The provisions in the Regulations herein quoted declared to be still in force under the present Regulation.

XX. The provisions contained in Sections II and III, Regulation II, 1797, and in Section III, Regulation XXXV, 1803, extended to the conquered provinces and Bundlecund by Regulation, IX, 1804, whereby the landholders and farmers of land, in the divisions of Benares and Bareilly are required, under the penalties therein stated, with the assistance of their pikes, chokeedars, pasbans, and other descriptions of village watchmen, to give, at all times their utmost care and vigilance to prevent affrays, assaults, and other acts of violence, and breaches of the peace, within their respective estates and farms; as well as to apprehend and deliver over to the police officers any persons who may be found in the act of committing a breach of the peace; or whom the village watchmen are required to apprehend by Section XIV, of Regulation XVII, 1795, and Section XIV, of Regulation XXXV, 1803, or whom

(m) Correspondence between the government and the magistrates, on matters of police, are now required to be conducted through the offices of the Superintendants of Police. See Regulation XVII, 1816, Section XIII.

the

the police officers may require their aid to apprehend, in execution of the duties vested in them, are declared to be still in force, under the present Regulation.

Provisions referred to in the preceding section declared equally applicable to all officers of government employed in the collection of the public revenue.

XXI. The provisions referred to in the preceding section, shall also be considered equally applicable to all officers of government, entrusted with or employed in the collection of the public revenue; or the rents of estates held khas, or under attachment; it being the duty of every public officer to render any assistance in his power for the support of the police, and the prevention of crimes, or the apprehension of persons by whom they are committed; especially when called upon to aid the established officers of police.

A. D. 1807. REGULATION XV.

A REGULATION *for modifying the constitution of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, so far as relates to the appointment of the judges of those courts.*—PASSED *by the Governor General in Council, on the 23d July 1807; corresponding with the 9th Sawun 1214 Bengal era; the 4th Sawun 1214 Fusly; the 9th Sawun 1214 Willaity; the 4th Sawun 1864 Sumbut; and the 16th Jemaud-ul-awul 1222 Higeree.*

WHEREAS it has been deemed advisable to modify the provision contained in Section II, Regulation X, 1805, respecting the appointment of the judges of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the following Regulation has been passed, to be in force from the time of its promulgation throughout the provinces immediately dependent on the presidency of Fort William. **Preamble.**

II. Section II, of Regulation X, 1805, is hereby rescinded. **Section II, Regulation X, 1805, rescinded.**

III. (*) The courts of Sudder Dewanny Adawlut and Nizamut Adawlut shall in future consist of a chief judge, being a member of the Supreme Council, but not the Governor General, nor the Commander-in-Chief; and of three puisne judges to be selected from among the Company's covenanted servants. **A chief judge, being a member of the supreme council, and three puisne judges to constitute in future the courts of Sudder Dewanny Adawlut and Nizamut Adawlut.**

* This section has been rescinded by Regulation XII, of 1811.

A. D. 1808. REGULATION I.

A REGULATION *for commuting the tax at present levied on Taur, Kajoor and Nareeal trees, in the provinces of Behar and Benares, to a tax on the sale of the Taury, or Juice extracted from those trees, whether in a fermented or unfermented state.*— PASSED *by the Governor General in Council, on the 18th March* 1808; *corresponding with the 7th Chyte* 1214 *Bengal era; the 6th Chyte* 1215 *Fusly; the 7th Chyte* 1215 *Willaity; the 6th Chyte* 1865 *Sumbut; and the 19th Moharrum* 1223 *Higeree.*

Preamble.

WHEREAS Section XI, Regulation VI, 1800, established rules for levying a duty on the juice of the taur, kajoor and nareeal trees, when sold in a fermented state, or when sold in an unfermented state, by any other persons than the pausees or extractors of taury: And whereas in consequence of the rapid fermentation of the taury when extracted from the trees, it has been found impracticable to distinguish with precision between the sale of the liquor in a fermented and unfermented state, so as to prevent the sale of it in the former state without the regular license required to be taken out by all persons vending taury in a fermented state; And whereas great inconvenience has been experienced in respect to the police of the country, in the provinces of Behar and Benares from the sale of taury in a fermented state by the pausees or extractors not paying the license duties: And whereas it has been ascertained that in the above provinces taury in an unfermented state is little used, and that consequently no material inconvenience can be experienced by the inhabitants from subjecting the sale of it in every state to the payment of the license duty prescribed by Section XI, Regulation VI, 1800, for the sale of taury in a fermented state: And whereas it has been judged proper in subjecting the sale of that article in all states to the payment of a license duty, to exempt the pausees from the payment of the tax prescribed by Sections XII and XIII, Regulation XXXIV, 1793; the Governor General in Council has been pleased to enact the following rules, to be in force in the provinces of Behar and Benares, from the commencement of the Fusly year 1216, corresponding with the 5th September 1808; the 22d Bhadoon 1215 Bengal era; the 22d Bhadoon 1215 Willaity; the 1st Assin 1865 Sumbut; and the 13th Rajeeb 1223 Higeree.

Sections XII and XIII, Regulation XXXIV, 1793, and Section XI, Regulation VI, 1800, rescinded in part in Behar and Benares.

II. Sections XII and XIII, Regulation XXXIV, 1793, and Section XI, Regulation VI, 1800, as far as this latter section exempts the extractor of taury from the payment of a license duty on the sale of the liquor in an unfermented state, are hereby rescinded in the provinces of Behar and Benares.

* The whole of this Regulation is rescinded by Regulation X of 1813.

All taury sold whether in a fermented or unfermented state, subjected to payment of a duty.

III. All taury whether sold in a fermented state or unfermented state, shall be subjected to the payment of a duty at the rates established by Section XI, Regulation VI, 1800, upon the sale of taury in a fermented state; and all persons who may be desirous of vending taury in any state, are to take out a license for the purpose, in the same manner as is directed for the sale of spirituous liquors.

In what cases Regulation VI, 1800, is applicable to taury sold.

IV. The several provisions contained in Regulation VI, 1800, respecting the sale of spirituous liquors, are hereby declared applicable, with an exception to the rate of duty to taury, whenever the same may be sold in any state whether fermented or unfermented.

What rates of duty are to be levied. Such rates may be encreased with the sanction of government.

V. The rates of duty to be levied from the venders of taury and the stamp duties for the licenses, shall be the same as those specified in Section XI, Regulation VI, 1800. But the Board of Revenue shall be competent, with the sanction of the Governor General in Council, to encrease the rates whenever it may appear to them from the reports of the collectors, or of the magistrates, that the present rates are too low.

Sections XII. and XIII. Regulation XXXIV, 1793, and Section XI, Regulation VI.1800, still in force in Bengal and Orissa including Cuttack.

VI. The rules prescribed in Sections XII and XIII, Regulation XXXIV, 1793, and in Section XI, Regulation VI, 1800, shall still remain in force within the provinces of Bengal and Orissa, including Cuttack.

A. D. 1808. REGULATION II.*

A REGULATION *for the better security of the property of minors subject to the jurisdiction of the European court at Chandernagore.*—PASSED *by the Governor General in Council, on the 16th April 1808; corresponding with the 5th Bysaak 1215 Bengal era; the 6th Bysaak 1215 Fusly; the 5th Bysaak 1215 Willaity; the 6th Bysaak 1865 Sumbut; and the 19th Suffer 1223 Higeree.*

Preamble.

SINCE the town of Chandernagore has been under the authority of the British government, the civil laws of France, under which its French inhabitants lived before the war, have been allowed to continue in force; but the provisions of those laws with regard to the period of minority and the guardianship of minors have been found by experience in many respects inapplicable to present circumstances, and insufficient for protecting the property of persons under age. By those laws the period of minority continues till the age of five and twenty years; but by the law at present established in France and throughout the French colonies, that period is limited to one and twenty years. This difference in the relations of property, which must necessarily subsist between individuals at Chandernagore and their kindred or connections in France or the French colonies, may be productive of serious inconvenience. It frequently happens that Europeans dying at Chandernagore have no relations on the spot, and the law in use not allowing of a testamentary disposition of guardianship; the choice of a guardian to their minor children devolves on strangers; by the law in use the only manner strictly legal of investing the funds of minors, is in good real security; and the impracticability in most cases of procuring such security at Chandernagore, affords a plausible pretext for employing the funds of minors in hazardous speculations; by the law in use guardians are not subject during their administration to be called to account except in cases of notorious malversation, and consequently there is no such control as ought to exist for the prevention of abuses in their trust. As it is highly expedient to afford to guardians a legal, easy, safe and profitable mode of investing the property of their wards, and to establish over them such a species of controul as may provide for the security of the funds entrusted to them without deterring honest and respectable men by the severity of its details from undertaking the charge; the Governor General in Council has enacted the following rules, to be in force from the promulgation of this Regulation within the town of Chandernagore.

* This Regulation is not in force inconsequence of the Settlement of Chandernagore having been restored to the French.

II.

Fixing the period of majority for Europeans, and others, subject to the French civil laws at Chandernagore.

II. The period of majority for Europeans, descendants of Europeans, and other persons, hitherto subject to the civil laws of France at Chandernagore, is, for the future, fixed at the age of one and twenty years.

Once a year guardians to deliver in their accounts to the European court of justice.

III. All guardians (not parents) already appointed, and to be hereafter appointed, shall deliver in their accounts to the European court of justice at Chandernagore, once a year, namely: on the 1st of July, adjusted to the 30th of April preceding, specifying the whole amount of their receipts and disbursements on account of their wards, the balance in their hands, and the manner in which they have disposed of that balance.

Cases in which the court of justice may call upon a guardian for his account.

IV. Upon an application made on behalf of a minor, and after the circumstances stated in that application, shall have been duly verified, the court of justice at Chandernagore shall be competent to call upon a guardian for his account at any shorter period.

Immovable property of minors, not to be sold without sanction of the court.

Capital of minors engaged in trade, manufacture, or mortgages, to continue so invested with the approbation of the court.

No guardian shall engage the property of his ward in any other manner than in public securities without the permission of the court.

Balance of cash to be vested in public securities.

V. Immovable property now belonging, or which may in future belong, to minors, shall not be sold without the sanction of the court, or special directions in the will by which such property may be bequeathed; capital engaged in trade or manufacture, or invested in good mortgages which may at present belong, or which may in future be left or come to minors, shall continue to be so applied or invested so long as the guardians, with the approbation of the court, shall deem such application or investment advantageous to the minors; but no guardian shall without the permission of the court engage the property of his ward in trade or manufacture, or dispose of it otherwise than in the purchase of public securities bearing interest, which shall be deposited as soon as purchased in the public treasury: and all balances of cash in the hands of guardians shall as often as possible, be vested in the purchase of such securities.

Periodical accounts not to be conclusive, but shall be open to revision until the final settlement of them.

VI. The periodical statements of accounts in the court of justice shall not be conclusive. The accounts of guardians till the final settlement of them, according to the laws of France, shall always be open to revision and impeachment, upon proof of any error or fraud.

The foregoing rules not applicable to guardians appointed by the father to his children.

Fathers empowered to make such appointments.

In what cases such guardians to be called to account.

VII. The above rules shall not be considered applicable to guardians appointed by a father to his children by his last will, duly made before a notary, or according to any other form which is required by the law now in use at Chandernagore as essential to the validity of a will; power is hereby given to fathers to make such appointments by will; guardians so appointed shall not be called to account during their administration, unless a complaint be preferred on behalf of the minor, and reasonable ground be made to appear to the court; but in case of gross malversation established against them, they shall not only be liable to make good any loss to their wards, but may be removed from their offices by a decree of the court.

VIII.

VIII. The superintendant at Chandernagore, on the receipt of this Regulation, shall cause it to be exactly translated into the French language, and to be registered and published in the court of justice, as well as in such other places, and in such manner, as may be customary, for general information.

On receipt, this Regulation to be translated into French, and to be registered and published for general information.

A. D. 1808. REGULATION III.*

A REGULATION *for restricting and regulating the retail of tarry in the ceded and conquered provinces and Bundlecund.*—PASSED *by the Governor General in Council, on the 13th May 1808; corresponding with the 1st Jeyte 1215 Bengal era; the 3d Jeyte 1215 Fusly; the 1st Jeyte 1215 Willaity; the 3d Jeyte 1865 Sumbut; the 16th Rubbee-ul-awul 1223 Higeree.*

Preamble.

AT the original introduction of the abkarry tax into the ceded provinces by Regulation XL, 1803, (subsequently extended to the conquered provinces and Bundlecund by Regulation VIII. 1805.) it was not deemed expedient to impose any tax on the juice of the taur or kujoor trees, as the consumption of those articles was not supposed to be of sufficient extent to render them an object of taxation; and the collectors were directed whenever they should be of opinion that the consumption had become sufficiently great to warrant the measure, to submit their opinion to the Board of Revenue with regard to a tax being imposed on those articles. The reasons for this temporary exemption no longer existing, the Governor General in Council has been pleased to resolve that, a tax be now imposed on the sale of tarry in the ceded and conquered provinces and Bundlecund, and to enact the following rules, to be in force from their promulgation in those provinces respectively.

Licenses to be granted for the retail of tarry under the same provisions as for the sale of spirituous liquors.

II. The several provisions contained in Regulation XL, 1803, and all subsequent Regulations respecting the sale of spirituous liquors, are hereby declared applicable (with an exception of the rate of duty) to toddy or tarry, viz. the juice of the taur, kujoor or nareal trees when retailed in shops, or other places of vend, whether in a fermented state or otherwise, and all persons whether pausees or others, who may be desirous of retailing tarry, are to take out licenses for the purpose, in like manner as is directed for the sale of spirituous liquors.

The licenses to be on stampt paper.

Form of the license.

III. The licenses to be granted for the retail of tarry, shall be written on stampt paper, and shall bear an inscription in the Persian language and character, and in the Hindoostanee language and Nagree character of "tarry licenses," and in other respects shall be drawn out agreeably to Section X, Regulation XL, 1803, as far as the form prescribed therein may be applicable.

Rates of tax and of stamp duty.
Provisions for varying the rate of tax.

IV. The following tax and stamp duty are hereby imposed on licenses for the retail of tarry, provided that, if by reason of the greater or less produce of tarry at different seasons of the year, it should be found necessary to vary the rate of tax according to the season, the following shall be considered the medium rates; and the license and counterpart engagement shall specify the several rates of tax to be paid for each month throughout the year.

* The whole of this Regulation is rescinded by Regulation X, of 1813.

TAX.

TAX.

In cities and capital towns of the first class..................	1	Rupee.
In towns or villages of the second class, ...	12	Annas.
In towns or villages of the third class, ...	8	Annas.
In towns or villages of the fourth class,.....................	4	Annas.

STAMP DUTY.

On shops paying 1 Rupee per diem,......................	10	Rupees.
On shops paying 12 Annas per diem, ...	6	Rupees.
On shops paying 8 Annas per diem, ...	4	Rupees.
On shops paying 4 Annas per diem,......................	2	Rupees.

How the stamp paper for licenses is to be applied for and issued.

V. The tarry licenses shall be written on paper of the same size and dimensions as that which may have been determined on by the Board of Revenue, with the sanction of the Governor General in Council, under Section XXV, Regulation XL, 1803: the superintendant of stamps is to prepare as soon as possible the necessary stamps for those licenses, and they are to be applied for, and issued under the provisions contained in Section XXVI, of the same Regulation.

A. D. 1808. REGULATION IV.

A REGULATION *for the appointment and administration of the office of Canoongoe in the Ceded and Conquered Provinces, and in the Province of Benares.*—PASSED *by the Governor General in Council, on the 17th June 1808; corresponding with the 5th Assar 1215 Bengal era; the 9th Assar 1215 Fusly; the 5th Assar 1215 Willaity; the 9th Assar 1865 Sumbut; and the 22d Rubbee-us-sance 1223 Higeree.*

Preamble.

THE office of canoongoe having been found of great utility under the former governments of the ceded and conquered provinces, and being calculated to render much public benefit in those provinces, and in the province of Benares, under proper rules and restrictions; the Governor General in Council has been pleased to pass the following Regulation, to be in force from the 5th of September 1808, corresponding with the 22d Bhadoon 1215 Bengal era, the 1st Assin 1216 Fusly, the 22d Bhadoon 1215 Willaity, the 1st Assin 1865 Sumbut, and the 13th Rajeeb 1223 Higeree. (a)

Two canoongoes appointed in every purgunnah.

II. Two persons shall be immediately appointed in every purgunnah in the ceded and conquered provinces, and in the province of Benares, to execute the office of canoongoe.

How selected and nominated.

III. These officers shall be selected in all practicable cases by the collectors, from the number of the canoongoes who have heretofore discharged the duties, and shall be nominated for the approval of the Board of Commissioners in the ceded and conquered provinces, and for the approval of the Board of Revenue in the province of Benares, (b) and shall not be removable from office except for sufficient cause proved to the satisfaction of those authorities, under the provisions of Regulation V, 1804.

Office of canoongoe not hereditary. Vacancies how supplied.

IV. The office of canoongoe is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the collectors shall make it a rule in all practicable cases to select from the families of the canoongoes, such persons as from character, education, and acquirements, shall be best qualified to perform the duty.

Allowance of canoongoes what it includes.

V. The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances under the denomination of nankar, and any other denomination. It is

(a) Extended to the Jaghire of the late Killadar of Calenger, annexed to the zillah of Bundlecund, by Regulation XXII, 1812, Section III.

(b) Now by the Commissioner in Behar and Benares, appointed under Regulation I, 1816.

also

also hereby declared, that the revenue of the lands hitherto held by the canoongoes generally, in the ceded and conquered provinces, in virtue of their offices, will be liable to resumption by government; and that this rule shall be considered applicable both to the persons who may be continued in the office of canoongoe under the present Regulation, and to those who may be discharged from the public service. Nothing however contained in this provision shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

Exception.

VI. The above rule is not to preclude claims to rent-free lands, or pensions held by the canoongoes under grants made to the individuals for reasons unconnected with the office of canoongoe.

Duties of the canoongoes.

VII. The canoongoes are to execute the duties herein specified.

To keep a jumma wassil bawkee.

1st. To keep a counterpart jumma wassil bawkee, or account of the collections of the tehseeldars from estates, the settlement of which has been concluded, and of the collections made by the tehseeldars, or by sezawuls, from lands held khaus, or under attachment.

And an account of rent free lands, and report escheats.

2d. To keep an account of all lands held under rent-free tenures, whether the grants be hereditary, or otherwise, and to report to the collector all escheats of such lands to government.

To keep a list of putwarries, and a register of pottahs.

3d. To keep a list of the putwarries in each village, and a register of pottahs granted by the landholders to their undertenants.

And a register of transfers of estates.

4th. To keep a register of all transfers of estates by sale, (public or private) mortgage, lease, or otherwise, and to attest such transfers at the request of the parties, without fee, or gratuity, with their official signatures.

And accounts of boundaries, villages, produce, rent, rules, and customs.

5th. To compile information regarding local boundaries of purgunnahs, and estates; the number and names of villages, articles of produce, rates of rent, rules, and customs established in each purgunnah; and to furnish at the requisition of the courts of justice, and of the collectors, all local information within their cognizance.

To aid measurements.

6th. To assist at all admeasurements of land, whether undertaken by the officers of government, in conformity to the Regulations, or by the landholders, or ryots, and to record the same.

To keep the accounts required in a prescribed form.

7th. To prepare and keep the information and accounts directed in this, or any future Regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue, (c) and Board of Commissioners respectively.

(c) Or the Commissioner in Behar and Benares, appointed under Regulation I, 1816.

8th.

8th. To report to the collector the death of a malgoozar, and the name of his heirs, and to keep a register of all successions to lands.

To report death of malgoozars, and name of heir.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited form holding farms, or from becoming sureties for farmers, or zemindars, within the local limits of their official duties.

Canoongoes not to hold farms, or become sureties.

IX. On the death, resignation, or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority, in all cases in which it may be necessary to enforce the surrender of such records.

Records to be made over to successors and how.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up, on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the magistrate.

Refusal to give them up, how punished.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, of abolishing the office in any purgunnah where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring purgunnah. Nor from exercising the right to encrease the number of canoongoes in any purgunnah where from circumstances more than two may be found necessary.

Right of government to vary the number of canoongoes.

XII. The collectors are enjoined to report to government through the Board of Revenue, (d) or the Board of Commissioners, according as the purgunnahs may be situated in the province of Benares, or in the ceded and conquered provinces, all instances wherein they may deem it expedient to increase, or diminish the number of canoongoes in a purgunnah, with their reasons at large for such opinion.

Collectors to report when variations are necessary.

(d) Or the Commissioner in Behar and Benares, appointed under Regulation I, 1816.

A. D. 1808. REGULATION V.

A REGULATION *to explain and declare the intent and meaning of certain clauses in the existing Regulations, respecting the settlement of the land revenue in the ceded provinces.*—PASSED *by the Governor General in Council, on the 8th July* 1808; *corresponding with the 26th Assar* 1215 *Bengal era; the 1st Sawun* 1215 *Fusly; the 26th Assar* 1215 *Willaity; the 1st Sawun* 1860 *Sumbut; and the 13th Jemaud-ul-awul* 1223 *Higeree.*

BY Clause Third, Section LIII, Regulation XXVII, 1803, respecting the settlement of the ceded provinces, it is enacted, that "persons holding claims to "lands, for which engagements have been entered into by the present possessors, "and who did not prefer their claim to regain possession of the same, within six "months from the date (as recorded in the several zillahs,) of issuing the proclamation by the Board of Commissioners of the 14th of July 1802, such claimants "shall not be entitled to be put in actual possession before the expiration of the first "lease of three years, and claims not preferred within the aforesaid period of three "years shall not entitle the claimant to regain possession until the expiration of "ten years." It is also enacted in Article 4th, Clause Second, Section LIII, of the abovementioned Regulation, "that persons fulfilling their engagements for the first "three years, shall have the option of renewing the same for the second period, on "the prescribed terms, and so on, for the third period." Doubts have in consequence arisen whether the restrictive clauses thus established in favour of farmers and others, to the exclusion, in certain cases, of the actual proprietors of the lands during the whole decennial term, were intended to apply only "to persons who (according to the "terms of the first provision above cited) might not prefer their claims within the "aforesaid period of three years," or whether the said restrictions should be considered applicable generally to the proprietors of estates, who, having been for any cause excluded from the management of their lands at the conclusion of the first temporary settlement of the ceded provinces, did not prefer a request, within the term of three years, to be admitted to the management of their lands at the expiration of that term. It is consequently become necessary to explain by a declaratory Regulation the real intent and meaning of the above provisions, as deducible from the proclamation and instructions published by the Lieutenant Governor and Board of Commissioners in the ceded provinces, in virtue of powers vested in them for that purpose, and from the tenor of other clauses in the existing Regulations; the following rules have consequently been passed, to be immediately in force in the ceded provinces. Preamble.

II.

Explanation of Clause Third, Section LIII, Regulation, XXVII, 1803, as to the right of actual proprietors to be put into possession of lands already engaged for by others or farmed out for a term of years.

II. It is hereby declared, that Clause Third, Section LIII, Regulation XXVII, 1803, comprising the substance of instructions issued on the 14th July 1802, by the Lieutenant Governor and Board of Commissioners in virtue of powers vested in them for that purpose, was intended to relate in the first place, to the case "where any person, calling himself an actual proprietor of land should enter into engagements for "the same; but it should afterwards appear, that another person was the real proprietor, and willing to take the land upon the terms of the settlement." In such case, according to the express provisions of the instructions above cited, "the original engagements were to be annulled, and new ones entered into with the real proprietor; who was to be put in immediate possession;" provided he preferred his claim within six months from the publication of the proclamation of the same date, as required by a further publication issued in conformity to instructions dated 7th August 1802. "In default of which," as declared in the said publication, "the establishing of his right would not entitle the proprietor to be put in possession at "any time previous to the expiration of the first lease of three years; during the "whole of which lease the lands were in such case to remain in the possession of "the person with whom the settlement had been originally made." It was further provided by the said instructions that "if persons, having claims to land, did not prefer and prove the same within the period of the first lease of the three years, the "persons, with whom the existing engagements had been made, were to remain in "possession until the expiration of the tenth year." The same clause of the section and Regulation, as above cited, was intended to relate in the second place to the case of farmers with whom a village settlement should be made (for lands supposed to be without proprietors) under the 7th article of the proclamation, recited in Regulation XXV, 1803. And, in regard to such farmers, it was provided by the instructions aforesaid, that "in like manner, and on similar conditions, farmers of villages were to "be held liable to be dispossessed in the event of the actual proprietors proving "their right to the land and of their coming forward to enter into engagements for "the same."

In what sense the foregoing clause and section is to be understood and in what cases it is to apply.

III. The aforesaid Section LIII, of Regulation XXVII, 1803, being expressly declared by Section XXIX, of Regulation XXV, 1803, to comprise the substance of the proclamation (instructions) issued by the Lieutenant Governor and Board of Commissioners on the date above mentioned (14th July 1802), must be taken and understood according to the tenor and meaning of the said instructions as herein above recited. It is therefore declared, that article 4th, Clause Second, Section LIII, Regulation XXVII, 1803, together with Clause Third of the said Section and Regulation, so far as they relate to farmers, were intended to apply only to those estates of which a farming or other settlement had been made with persons, not being the actual proprietors, on the presumption that the lands in question were not the immediate

diate property of any individuals, or in consequence of persons not really owners of the lands entering into engagements as actual proprietors of the same. It consequently follows that, the restrictions in question were not intended to apply to the cases of persons, who at the conclusion of the original settlement of the ceded provinces, had been acknowledged by the officers of government as the proprietors of the estates in question, but who had been excluded from the immediate management of the lands in consequence of their refusal to accede to the jumma proposed to be assessed thereon, as under such acknowledgement those persons could have no further claim to prefer, or title to establish. This construction of the rules in question is not only conformable to the clear intent of the instructions issued by the late Board of Commissioners to the collectors for their guidance in the formation of the settlement of the ceded provinces, and with the principles which have uniformly actuated the government of concluding the settlement in all practicable cases, and at the earliest period of time with the proprietors, but likewise with specific enactments in other parts of the existing Regulations. For instance, in Section XXXIII, Regulation XXV, 1803, it is enacted as follows: "The lands of some zemindars, in- "dependent talookdars, and other actual proprietors of land having been held khaus, "or let in farm, in consequence of their refusing to pay the assessment required of "them, under the proclamation inserted in Section XXIX, of this Regulation, the "Governor General in Council notifies fo the zemindars, independent talookdars "and other actual proprietors of land, whose lands are held khaus, that they shall "be restored to the management of their lands, upon their agreeing to the payment "of the assessment which shall be required of them, in conformity to the prescribed "rules for the settlement of the land revenue; and the Governor General in Coun- "cil declares to the zemindars, independent talookdars, and other actual proprietors "of land, whose lands have been let in farm, that they shall not regain possession of "their lands, before the expiration of the period for which they have been farmed "(unless the farmers shall voluntarily consent to make over to them the remaining "term of their lease, and the Governor General in Council shall approve of the trans- "fer,) but that, at the expiration of that period, upon their agreeing to the payment "of the assessment which shall be required of them, they shall be reinstated, under "the general Regulations, in the management of their estates respectively." In like manner, it is enacted in Section VII, Regulation V, 1805, as follows: "Nothing "contained in this Regulation shall be considered to affect any settlements which "shall have been actually concluded for the whole or any part of the ensuing three "years 1213, 1214, and 1215 Fusly; neither shall any part of this Regulation be "construed to preclude the operation of the rule prescribed by Section XXXIII, "Regulation XXV, 1803, under which the zemindars, independent talookdars, and "other actual proprietors of land, whose lands have been let in farm, are entitled, at "the expiration of the present triennial settlement ending with the year 1212 Fusly,

"to

" to be reinstated, under the general Regulations prescribed for such cases, in the " management of their estates, upon their agreeing to the payment of the assessment " required from them." The first of the two rules above cited would have been nugatory and superfluous, had it been intended that the acknowledged proprietors of estates, who had been excluded from the immediate management of their estates, should only re-obtain possession on the expiration of the whole of the decennial term; as they would naturally be reinstated in the possession of their lands in the ordinary course on the expiration of that period without any legislative provision for that purpose in their favor. And Section VII, Regulation V, 1805, specifically states in allusion to the former rule, that the zemindars, independent talookdars, and other actual proprietors of land, whose lands have been let to farm, are entitled at the expiration of the first triennial settlement, to be reinstated in the management of their estates.

Acknowledged actual proprietors, who had been excluded from the management of their lands on refusing to accede to the prescribed jumma, shall be reinstated at the close of the present Fusly year on their assenting to the jumma proposed.

IV. Conformably to the foregoing construction of the existing Regulations, all persons, who were acknowledged to be the actual proprietors of estates at the conclusion of the first settlement of the ceded provinces, and were excluded from the immediate management of their lands in consequence of their refusal to accede to the jumma required from them, were justly entitled to be reinstated in possession of their lands at the expiration of the first triennial lease on their agreeing to the payment of the assessment required of them; and are in like manner entitled to the possession and management of their lands, under the same condition, at the expiration of the triennial lease now in force. It is accordingly hereby declared that they shall be reinstated in the possession and management of their lands at the close of the current Fusly year, on their assenting to the jumma which may now be assessed on their respective estates. No part however of this Regulation shall be construed to extend to the case of the claimants of estates in the ceded provinces, whose proprietary right was disputed at the period of the conclusion of the first triennial settlement of those provinces, and who did not establish their claims in a court of justice before the expiration of the first triennial settlement. In all cases of this description, in which the lands were let to farm, the farmers are entitled under the Regulation above noticed and the conditions of their lease to the option of renewing the lease for the period of four years from the commencement of the Fusly year 1216, provided that they have hitherto duly fulfilled the conditions of their engagements.

This rule not to extend to persons whose proprietary right was not established before the expiration of the first triennial settlement.

A. D. 1808. REGULATION VI.

A REGULATION *for the settlement of the revenues of the zillah of Cuttack.*— PASSED *by the Governor General in Council, on the 2d September* 1808*; corresponding with the* 19*th Bhadoon* 1215 *Bengal era; the* 27*th Bhadoon* 1215 *Fusly; the* 19*th Bhadoon* 1215 *Willaity; the* 13*th Bhadoon* 1865 *Sumbut; and the* 10*th Rajub* 1223 *Higeree.*

WHEREAS it is enacted in Sections V and VI, Regulation X, 1807, that the jumma which may be fixed on the estates of the several zemindars and other actual proprietors of land in the zillah of Cuttack, in the last year of the ensuing quarternial settlement ordered to be made in that district shall remain fixed for ever, in case the zemindars shall be willing to engage for the payment of the public revenue on those terms in perpetuity, and the arrangement shall receive the sanction of the Honorable the Court of Directors; and whereas obstacles have occurred to the immediate conclusion of a settlement on those principles in the district of Cuttack; and whereas it has been deemed advisable that a local commission should be appointed for the superintendence of the ensuing settlements in that zillah, including the purgunnah of Puttaspore and its dependencies, now included in the district of Midnapore; the following rules have been established, to be in force from the period of their promulgation. Preamble.

II. Such parts of Sections V and VI, Regulation X, 1807, and of the rules therein referred to, as direct that a settlement shall be made on the commencement of the ensuing Fusly year in the zillah of Cuttack for the period of four years, and that the jumma, which may be assessed on the lands in the last year of that settlement shall remain fixed in perpetuity, provided that the arrangements shall receive the approbation of the Honorable Court of Directors, are hereby rescinded. Parts of Sections V and VI, Regulation X, 1807, rescinded.

III. A settlement shall be made in the zillah of Cuttack and in the Purgunnah of Puttaspore, &c. for the period of one year, viz. the Umlee year 1216. A settlement for one year to be made in Cuttack and in purgunnah Puttaspore.

IV. On the expiration of the Umlee year 1216, a settlement, shall be made in the said zillah and places on the principle prescribed in Sections V and VI, Regulation X, 1807, for the period of three years, and the assessment which may be fixed on the lands in the year 1219, shall remain fixed for ever, in case the zemindars shall now be willing to engage for the payment of the public revenue on After the expiration of one year, a settlement to be made for three years and the assessment of the year 1219 to remain provisionally fixed for ever.

those

those terms in perpetuity, and the arrangement shall receive the sanction of the Honorable Court of Directors. (e)

A Commission constituted to superintend the settlement of Cuttack and of purgunnah Puttaspore.

V. (f) A Commission shall be constituted, consisting of one or more members, (as the Governor General in Council may direct,) for the superintendence of the ensuing settlements, and for the general control of the collector of Cuttack, and of the officer entrusted with the charge of the purgunnah of Puttaspore and its dependencies, in the performance of their public duties.

The nature of the duties vested in the Commissioner.

VI. The Commissioner or Commissioners shall be vested with all the duties, powers, and authority which have hitherto been exercised by the Board of Revenue in the district of Cuttack, and in the purgunnah of Puttaspore, and its dependencies.

The Commissioner to exercise further duties contained in Regulation IV, 1806, respecting the temple of Juggunnauth.

VII. The Commissioner or Commissioners shall also be vested with all the duties, powers, and authority which the Board of Revenue have hitherto been empowered to exercise under Regulation IV, 1806, or any other existing Regulation in the superintendence of the temple of Juggunnauth, and in the collection of the duties levied from pilgrims resorting to the temple.

The Commissioner's place of residence.

VIII. The Commissioner or Commissioners are of course to reside, so long as this Regulation may continue in force, in the zillah, or places to which the present rules apply; provided however, that nothing shall prevent him or them from entering upon the discharge of his or their functions, on the period of the promulgation of this Regulation, whether the Commissioner or Commissioners shall then have reached Cuttack or otherwise.

Exception.

Restrictions contained in Sections XX and XXI, Regulation IX, 1807, not applicable to the assistant to the magistrate of Cuttack residing at Juggunnauth.

IX. It being enacted in Section XXI, Regulation IV, 1806, that " the collector of the tax on pilgrims at Juggunnauth shall be ex officio assistant to the magistrate of the zillah of Cuttack, and shall be competent to exercise all the powers which either are, or at any time may be vested in the assistant to the zillah and city magistrates," and Sections XX and XXI, Regulatian IX, 1807, having established certain restrictions on the exercise of the functions of magistrate by the assistants, it is hereby declared that those restrictions are not to be considered applicable to the assistant to the magistrate of Cuttack, residing at Juggunnauth. That assistant shall consequently be deemed empowered to exercise all the powers within the prescribed local limits, which are vested in the magistrates themselves by the general Regulations; provided nevertheless, that it shall be competent to the magistrate of Cuttack, to issue any special instructions which he may deem necessary to the assistant

Magistrate of Cuttack authorized to issue special instructions to the as-

(e) The permanent settlement intended by the latter part of this section, was not concluded: on the expiration of the year 1219, a settlement was made for one year more, 1220, Umlee; then for 2 years more, 1221 and 1222, Umlee; by Regulation I, 1813; then for 1 year more, 1223, Umlee, by Regulation III, 1815; and then for 3 years more, 1224, 1225 and 1226, Umlee, by Regulation VI, 1816.

(f) The remainder of this Regulation, including this section, is not in force. The Commission, above mentioned, has been abolished, and the duties, powers and authority which were vested in it, have been transferred to the Board of Revenue. See Regulation IV, 1810.

stationed

stationed at Juggunnauth, and to revise, amend, or rescind any order or judgment passed by the assistant whenever the magistrate may be of opinion, that the circumstances of the case require such interposition of his controlling authority.

sistant at Juggunnauth when circumstances may require it.

A. D. 1808. REGULATION VII.

A REGULATION *for completing the registers of lands, held free of assessment in the Ceded and Conquered Provinces in the Doab, and on the left bank of the river Jumna, and in the territory ceded by his Highness the Peishwah to the British Government in Bundlecund.*—PASSED *by the Governor General in Council on the 16th September* 1808, *corresponding with the 2d Assin* 1215 *Bengal era; the 12th Assin* 1216 *Fusly; the 2d Assin* 1216 *Willaity; the 11th Assin* 1865 *Sumbut; and the 24th Rujub* 1223 *Higeree.*

Preamble.

WHEREAS it is enacted in Section XX, Regulation XXXI, and Section XX, Regulation XXXVI, 1803; and in Sections XXI and XXIV, Regulation VIII, 1805, that publications shall be issued requiring all persons holding lands exempt from the payment of revenue to government to register the same, on pain, in case of neglect to make such registry, of the lands being declared liable to the payment of revenue to government; and whereas it has been reported to the Governor General in Council, that the publications abovementioned, have not in many instances been issued according to the prescribed forms, the following rules have been enacted, to be in force from the time of their promulgation in the ceded and conquered provinces in the Doab, and on the left bank of the river Jumna, and in the territory ceded by his Highness the Peishwah to the British government in Bundlecund. (g)

Collectors to issue publications contained in Regulations XXXI and XXXVI, 1803, and in Regulation VIII, 1805.

II. On receipt of this Regulation the collectors are required to issue the publications directed in Section XX, Regulation XXXI; Section XX, Regulation XXXVI, 1803, and in Sections XXI and XXIV, Regulation VIII, 1805, in the form therein prescribed, requiring all persons holding lands exempt from the payment of revenue to government, to register such lands within the period of one year from the date of the publications.

Lands held free of assessment if omitted to be registered within one year, declared liable to the payment of revenue.

III. After the term of one year from the date of the publications directed to be issued in the preceding section, any lands held free of assessment which may have been omitted to be registered, are hereby declared liable to the payment of revenue to government.

(g) Extended to the lands comprising the Jaghire of the late Killadar of Callenger, annexed to the zillah of Bundlecund, and to the Purgunnah of Haudya, annexed to the zillah of Allahabad, by Regulation XXII, 1812, and Regulation XVIII, 1816, respectively.

A. D. 1808. REGULATION VIII.

A REGULATION *for the more exemplary punishment of robbery by open violence; and for modifying the rules in force, respecting trials referred to the Court of Nizamut Adawlut.*—Passed *by the Governor General in Council, on the 10th of September* 1808; *corresponding with the 5th Assin* 1215 *Bengal era; the* 15*th Assin* 1216 *Fusly; the 5th Assin* 1216 *Willaity; the* 14*th Assin* 1865 *Sumbut; and the* 27*th Rajub* 1223 *Higeree.*

UNDER the provisions made by Clauses Second and Third, of Section IV, Regulation LIII, 1803, for the punishment of robbery by open violence, when not accompanied with murder, "all persons convicted of being the heads "or leaders of a gang of robbers, by whom any person may have been wounded, "maimed, burnt, or subjected to other personal injury, torture, or cruelty not "occasioning homicide, or by whom a dwelling house or houses, may have been set "on fire, or any other criminal and aggravating act committed, in the prosecution of "a robbery or intent to rob, as well as persons convicted of having been actively "concerned in any of the acts aforesaid, done in prosecution of a robbery, or in-"tent to rob; or of having been present, aiding and abetting, when any such acts "were committed; or though not present, of having procured or caused by hire, "counsel, or command, the perpetration of any such acts in pursuance of a pre-"concerted plan to commit the same, or to commit robbery," are declared liable to a sentence of imprisonment and transportation for life. But if the robbery be not accompanied with personal injury, or other act of aggravation as above specified, the judgment, on conviction, is limited to imprisonment and hard labour for the period of fourteen years; with a discretion vested in the court of Nizamut Adawlut, to extend the sentence to imprisonment and transportation for life, upon any leaders of gangs, or other offenders, convicted of a repetition of the crime, or without such repetition, if, from proof of the notorious bad character of the party convicted, or, on consideration of any other circumstance appearing upon the trial to aggravate the guilt of any particular prisoner, and evince the danger of his future depredations, if set at liberty, it shall, in the judgment of that court, be just and necessary to inflict more severe punishment than imprisonment and labour for the term of fourteen years. The courts of circuit being at the same time authorized to pass sentence in all cases of conviction, with the concurrence of their law officers, when the sentence might not be for perpetual imprisonment, Preamble.

prisonment, without reference to the Nizamut Adawlut, that court has seldom been enabled to exercise the discretionary power above stated, and in consequence many persons convicted of robbery, of whose amendment no hope can be entertained from their confirmed habits and principles, are set at liberty at the expiration of a limited period, to join their former associates, and renew their depredations. It is therefore expedient and necessary, that all cases of conviction, of the daring and atrocious crime of robbery by open violence, as defined in Clause First, of Section III, Regulation LIII, 1803, should be brought before the court of Nizamut Adawlut; and that this court should be empowered to pass sentence of imprisonment and transportation for life, when the offender may appear duly convicted, and may not be liable to suffer death. To admit however of the numerous trials for robbery, which in such case must be referred to the Nizamut Adawlut, being heard and determined with the requisite dispatch, and without impeding the decision of civil causes by the Sudder Dewanny Adawlut; it is necessary that provision should be made for authorizing any one of the law officers of the Nizamut Adawlut to write the futwa upon trials referred to that court, when it may correspond with the futwa of the law officers of the court of circuit before whom the trial has been held, and also to allow any one of the judges of the court of Nizamut Adawlut to pass sentence, under the Regulations in force, when his judgment on the case may confirm that of the judge of circuit. For these purposes, the Governor General in Council has passed the following Regulation; to be in force, as soon as promulgated, throughout the whole of the provinces immediately subject to the presidency of Fort William. (h)

Clause Third, Section IV, Regulation LIII, 1803, rescinded.

In what cases and for what period, its provisions to be still considered in force.

II. Clause Third, Section IV, Regulation LIII, 1803, is hereby rescinded. But the provisions contained in it, shall be considered in force with respect to persons convicted of the crime therein specified, if committed before the promulgation of this Regulation, and the court of circuit shall pass sentence accordingly in such cases, without reference to the Nizamut Adawlut, unless the prisoner or prisoners appear deserving of imprisonment for life, in which case the trial shall be referred to that court.

All persons convicted of being concerned in robbery by open violence, and who are not liable to suffer death under the Regulations in force, to be sentenced to thirty-nine lashes, and imprisonment for life.

III. All persons convicted of being concerned, as principals or accomplices, subsequently to the promulgation of this Regulation, in the crime of robbery by open violence, as defined in Section III, Regulation LIII, 1803, and who may not under the Regulations in force be liable to a sentence of death, shall be adjudged

(h) Extended to the lands comprised within the Jaghire of the late Killadar of Callenger, annexed to the zillah of Bundlecund, by Regulation XXII, 1812, and to the Purgunnah of Handya, annexed to the zillah of Allahabad, by Regulation XVIII, 1816; the latter subject to certain provisions. The territories and jaghires situated on the borders of the zillah of Bundlecund, belonging to several Bondelah Chieftains, together with the tract of land situated near the town of Teroha, in the said zillah, granted as an independent Jaghire to his Highness Amrut Rao, are exempt from the operation of the general Regulations; the former by Regulation XXII, 1812, the latter by Regulation VII, 1816.

judged

judged by the courts of circuit and by the court of Nizamut Adawlut to receive thirty-nine lashes with a corah, and to be imprisoned and transported for life; unless from any extenuating circumstances appearing on the trial, the stated punishment shall appear too severe; in which case, the court of Nizamut Adawlut is authorized to mitigate the sentence, as in other cases left to the discretion of that court, by Clause Fifth of Section IV, Regulation LIII, 1803; or to act in pursuance of Clause Sixth of that section, if the prisoner appear a proper object of mercy and pardon.

In what cases the Nizamut Adawlut may mitigate this sentence.

IV. The courts of circuit shall refer to the court of Nizamut Adawlut in the manner prescribed by the existing Regulations, the trials of all prisoners convicted of the crime of robbery by open violence, and liable to the punishment declared in the preceding section. The judge of circuit, before whom the trial may be held, shall, in all cases, pass sentence for the stated punishment, if the prisoner appear to him, and to the law officer of the court of circuit to be duly convicted; whether by his free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence. But such sentence shall not be deemed final nor shall any warrant be issued for carrying the same into execution until it be confirmed by the court of Nizamut Adawlut. And if the judge of circuit be of opinion that there are grounds for a mitigation or remission of punishment, he shall state the same in his letter, to accompany the trial, as required by Clause Third, of Section VI, Regulation LIII, 1803.

The courts of circuit on the conviction of persons concerned in robbery by open violence, after passing the sentence abovementioned, to refer the trial for the final sentence of the Nizamut Adawlut.

To report grounds of mitigation, should any appear.

V. Such part of the existing Regulations as directs that two judges of the court of Nizamut Adawlut shall be necessary to hold a court, and that no sentence or final order of the court shall be valid unless passed by two judges present, is hereby rescinded.

Such parts of the Regulations as direct that no sentence of the Nizamut Adawlut should be passed without the presence of two judges, rescinded.

VI. The sittings of the court of Nizamut Adawlut shall be held before two or more judges, as heretofore, whenever the number of trials and other business depending before the court may admit of it. But whenever the number of depending trials may render it necessary for their speedy determination, that the judges should hold separate sittings, it shall be competent to any one judge to hold a sitting of the court, and to pass orders or sentence upon any trial under reference to it, in conformity with the Regulations; provided, that if the single judge so sitting shall not concur with the judge of circuit before whom the trial may have been held, with respect to the conviction of the prisoner, he shall not pass sentence, until one or more of the other judges of the court of Nizamut Adawlut can sit with him upon the trial. (i)

Two judges to sit, as before, as far as may be practicable, but on an increase of the trials before the court, the judges to hold separate sittings, and a single judge to pass sentence.

In what cases the single judge is to postpone passing sentence, until one or more of the other judges can sit with him.

(i) The rule for separate sittings of the Nizamut Adawlut, (provided two judges may not be able to attend) contained in this section, has been extended to authorize separate sittings of that court, for miscellaneous business as well as upon criminal trials; but a single judge, holding a separate sitting of the court, is not competent to alter or reverse the decision or order of any of the other judges of the same court, of a court of circuit, magistrate, or other public officer, without the concurrence of another judge. See Regulation XXV, 1814, Section XVII

VII.

The Mahomedan law officers of the court to deliver a joint futwa as before, when practicable; but on an increase in the number of trials, any one of them to deliver a futwa.

VII. The Mahomedan law officers of the court of Nizamut Adawlut shall continue to deliver their joint futwa upon the trials referred to that court, as far as may be practicable. But whenever from the number of trials in reference, it may be requisite for their speedy decision, that they should be divided amongst the law officers for revision, it shall be competent to any one of the law officers to deliver a futwa thereupon. Provided, that if any one of the law officers of the Nizamut Adawlut, on revising the proceedings held upon the trial, shall not concur with the law officer of the court of circuit before whom the trial may have been held, as to the conviction of the prisoner, he shall not write the futwa, until one or more of the other law officers of the Nizamut Adawlut can deliver the same in concert with him, after perusal of the proceedings.

In what cases a single law officer is not to deliver a futwa, until one or more of the others can do it in concert with him.

The rule contained in Clause Fifth, Section VII, Regulation LIII, 1803, whereby, in certain cases, the Nizamut Adawlut may confirm the sentence of the judge of circuit, without revising the proceedings to be applicable to all sentences passed under this Regulation.

VIII. The rule contained in Clause Fifth of Section VII, Regulation LIII, 1803, whereby in cases not incurring capital punishment, the judges of the Nizamut Adawlut are declared competent to confirm, without revising the whole of the proceedings held on the trial, a sentence passed by the judge of circuit, in conformity with the futwa of his law officer, when the futwa of the law officers of the Nizamut Adawlut shall confirm the conviction of the prisoner, and the court shall be satisfied that the sentence passed by the judge of circuit is conformable to the Regulations, shall be considered applicable to all sentences passed by the judges of the court of circuit, in conformity with the futwas of their law officers, and confirmed by the futwas of the law officers of the Nizamut Adawlut, under the provisions of this Regulation. It is hereby further declared, that if the judge of circuit, before whom the trial has been held be of opinion that the prisoner is duly convicted, and the futwa of his law officer, as well as the futwa of the law officer or officers of the Nizamut Adawlut, confirm such conviction, it shall be competent to two or more judges of the court of Nizamut Adawlut, on consideration of such part of the proceedings held upon the trial, as they may deem necessary to revise, to confirm the sentence passed by the court of circuit in conformity with the Regulations; although the judge of circuit may recommend a mitigation of the prescribed punishment, if on consideration of the reason stated by the judge of circuit, the court of Nizamut Adawlut shall be of opinion, that there are not sufficient grounds for the proposed mitigation; or to mitigate sentence, as recommended by the judge of circuit, if from his statement of the case, there appear to be sufficient grounds for so doing.

When in such cases, the judge of circuit may recommend a mitigation of punishment, two judges of the Nizamut Adawlut without revising the proceedings, may confirm or reject that mitigation, as there shall appear grounds for so doing.

Persons sentenced to temporary imprisonment under Clause Fourth, Section IV, Regulation LIII, 1803, for going out with an intent to commit gang-robbery, to give security previously to their release.

IX. Persons convicted of going forth with a gang of robbers, for the purpose of committing robbery, but apprehended before they have committed such robbery, or made any violent attempt for the purpose, and adjudged to suffer temporary imprisonment under Clause Fourth of Section IV, Regulation LIII, 1803, shall previously to their release from confinement be required to give substantial

security

security for their future good conduct. In such cases, as well as in all instances, wherein persons required to give security under Clause Sixth of Section II, Regulation LIII, 1803, or any other provision in the Regulations, may be notorious robbers (dukyets) whom it would be dangerous to set at liberty without substantial security for their future good conduct, the prisoner shall not be released until such security be given, to the satisfaction of the court of circuit, upon the report of the magistrate, unless from the prisoner's behaviour during his confinement, or other circumstance there appear to be sufficient ground of assurance to warrant his discharge on a mochulka, under the provision made for the purpose by Section XI, Regulation LIII, 1803. (*j*)

Persons from whom security is required by Clause Sixth, Section II, Regulation LIII, 1803, or any other Regulations in the event of their being notorious robbers, not to be released without substantial security.

Except in particular cases, when they may be discharged on a mochulka.

X. A proclamation, containing the substance of the penalties, declared by this Regulation, and by the other Regulations in force for the punishment of robbery by open violence, shall be immediately prepared, by order of the court of Nizamut Adawlut, in the Hindoostanee language; and a sufficient number of printed copies thereof shall be transmitted without delay to the magistrates of the several zillahs and cities to enable them to publish the same at the several police stations within their respective jurisdictions. On receipt of such copies, the magistrates shall cause them to be publickly read and published at the several police stations within their jurisdictions, and shall also cause the contents thereof to be proclaimed by beat of drum, throughout every town and considerable village, for general information.

A proclamation noting the penalties denounced by this and other Regulations, against robbery by open violence, to be printed and published.

How and when to be proclaimed by the magistrates of the zillahs and cities.

(*j*) See the Circular Orders of the Nizamut Adawlut, new edition, No. 2, page 121, relative to prisoners furnishing security for good behaviour previously to their release; No. 3, page 123, relative to enforcing the penalty of security bonds for good behaviour, and the limitation of the amount of the security to be required in such cases; No. 4, page 124, respecting the recovery of the penalty of a security bond from the estate of a person deceased, and the mode in which sureties may get discharged from their bonds; and No. 6, page 125, how the magistrates are to proceed on recommending persons for release on mochulka, under Regulation LIII, 1803, Section XI.—*Construction by the Nizamut Adawlut*; 9 *February*, 1816. In all cases wherein an order may have been passed, either by the Nizamut Adawlut, or the Court of Circuit, directing a magistrate to hold a prisoner to security, to be approved by the latter court; the magistrate should fix the amount of security to be given by the prisoner, in such sum as may appear just and proper, and to report the same for the consideration and orders of the Court of Circuit.

A. D. 1808. REGULATION IX.

A REGULATION *for the apprehension of persons concerned in the offence of gang robbery, and especially the sirdars or leaders of gangs of dacoits.*—PASSED *by the Governor General in Council on the 4th November* 1808, *corresponding with the 20th Kautick* 1215 *Bengal era; the 1st Aughun* 1216 *Fusly; the 20th Kautick* 1216 *Willaity; the 1st Aughun* 1865 *Sumbut; and the 14th Ramzaan* 1223 *Higeree.*

REGULATIONS have from time to time been enacted for the apprehension and punishment of persons concerned in the commission of dacoity or gang robbery; a crime, which has prevailed for a very long period in several of the districts within the province of Bengal. The continued prevalence however of that atrocious offence in some of the districts, and the importance of suppressing a crime so injurious to the peace and happiness of the community, render it necessary that further provisions should be adopted to facilitate the apprehension of the sirdar dacoits, to whose influence and ascendancy over their respective gangs and accomplices, the existence of this serious crime is chiefly to be ascribed, and also to facilitate the apprehension of other persons concerned in the commission of such offences. With this view it is essential to call forth the active exertions of all persons possessing by their situation the means of aiding in the apprehension of offenders of that description. To promote the attainment of so important an object, it has been deemed advisable on the one hand to establish personal security and indemnity, together with suitable rewards for such persons, as may afford active assistance in bringing offenders of the above description to punishment; and on the other, to prescribe adequate pains and penalties for such persons as possessing the means of affording assistance towards the prevention of a crime so injurious to the peace and happiness of society, shall neglect to employ them to that end: the following Regulation has in consequence been passed by the Governor General in Council, to be in force from the period of its promulgation, throughout the territories immediately dependent on the presidency of Fort William. (*k*) Preamble

(*k*) Extended to the portion of lands constituting the Jaghire of the late Killadar of Calenger, annexed to the zillah of Bundlecund, by Regulation XXII, 1812, and to the Purgunnah of Handya, annexed to the zillah of Allahabad, by Regulation XVIII, 1816, subject to certain provisions. The territories and Jaghires situated on the borders of the zillah of Bundlecund, belonging to several Bondeelah Chiefs, and the tract of land situated near the town of Teroha, in that zillah, granted as an independent Jaghire to his Highness Amrut Rao, are exempt from the operation of the general Regulations; the former by Regulation XXII, 1812, the latter by Regulation VII, 1816.

Magistrate to report to the Nizamut Adawlut, in cases, in which he may think the ordinary process for apprehending offenders, would be ineffectual, stating the amount of the reward, he would recommend to be offered for their apprehension.

II. Whenever the magistrate of a zillah or city shall have certain information, that any person residing in or resorting to any place or places within the limits of his jurisdiction, has been actually concerned in the commission of the offence of dacoity or gang robbery, or that the notoriety of any such person having been guilty of or concerned in the commission of such offences, is sufficiently established to render his apprehension essential to the peace and tranquillity of the district, and the magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, he shall report the circumstances of the case to the Nizamut Adawlut, with his opinion and the grounds thereof; stating at the same time the amount of the reward which he would recommend to be offered for the apprehension of the person in question. (*l*)

Nizamut Adawlut empowered to authorize the [illegible] rewards in such cases as they may deem [illegible] not exceeding 500 rupees without [illegible] government.

III. On the receipt of the magistrate's report, the Nizamut Adawlut will determine whether the degree of notoriety and the dangerous character of the person accused, or the aggravated nature of the offence alleged against him be such as to warrant the measures herein prescribed for his apprehension, and for his punishment in case of contumacy. In such case, the Nizamut Adawlut is hereby empowered to authorize the offer of such reward as they may deem adequate for the apprehension of the person accused, not exceeding however in any one instance, the sum of rupees five hundred, without the special authority of the Governor General in Council. The Nizamut Adawlut shall at the same time direct the magistrate to issue a proclamation, to be affixed at his own cutcherry, and at the several police thannahs within his jurisdiction; and to be published by beat of drum at the towns in which they are situated. (*m*)

Nizamut Adawlut to direct the magistrate to issue a proclamation in such cases.

Form of proclamation.

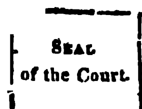
" Whereas ——— supposed to be an inhabitant of ———, about ——— years of age, (here describe his person if it be known) by profession a ——— (or as many of these particulars as can be ascertained) stands accused before the magistrate of ———, of (here specify the offence). It is therefore hereby proclaimed, by the special orders of the court of Nizamut Adawlut, that the said ———, is required and commanded to appear before the magistrate at the cutcherry of this zillah (or city), to answer to the matter alleged against him, within the period of two months from the date hereof; in default of which, the said ———, will be deemed guilty of the crime of which he stands accused, and will

(*l*) See the Circular Orders of the Nizamut Adawlut, new edition, No. 7, page 93, prescribing rules to be observed by magistrates in proposing the offer of rewards for the apprehension of offenders, especially when accompanied by the proclamation directed in this Regulation.

(*m*) See the additional provisions of Regulation XVI, 1810, Sections XV, XVI, XVII and XVIII, regarding the offer and payment of rewards for the apprehension of criminals: Also the Circular Orders of the Nizamut Adawlut, new edition, No. 4, page 90, relative to the more effectual promulgation of the above proclamation.—*Constructions by the Nizamut Adawlut.* 1. The proclamation prescribed in this section, can be issued only against persons charged with decoity, or gang-robbery, to which the provisions of this Regulation are expressly directed. 21 *January*, 1813.—2. The proclamation in this section cannot be issued against persons inhabitants of a foreign territory. 1 *July*, 1813.

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in consequence be liable to be imprisoned and transported for life. It is also hereby proclaimed, that all persons whosoever are authorized and required to apprehend the said ———, wherever he may be found: and any person or persons who shall, under the authority hereby given, apprehend the said———, and shall deliver him in safe custody, to the magistrate of this zillah (or city) or to any police darogah within the jurisdiction of this court, shall be entitled to receive the reward of rupees ——— from government. It is also hereby notified, that any person aiding or harbouring the said ———, will be personally subject on conviction to fine, imprisonment, and confiscation of property, under the provisions of Regulation IX, 1808."


SEAL of the Court.

"Foujdarry Adawlut, the 180 ,
corresponding with the (æra current in the zillah or city)."

(Signature of the magistrate.)

IV. The magistrate shall transmit copies of the proclamation issued by him, under the foregoing section, to the magistrates of any of the adjacent zillahs or cities, in which he may consider it probable that the proclaimed person may have concealed himself, that the same may be published throughout their respective jurisdictions.

The magistrate to transmit copies of such proclamation to the adjacent magistrates for publication throughout their respective jurisdictions.

V. Should the person proclaimed, under this Regulation, appear before the magistrate, or be apprehended within the period limited in the proclamation, the magistrate shall proceed against him as prescribed by the Regulations already in force.

Magistrate how to proceed against persons appearing or apprehended within the period limited in the proclamation.

VI. If the proclaimed person shall appear, or be apprehended, at any period after the expiration of the time limited, he shall be proceeded against in the following manner.

How persons appearing or apprehended after the expiration of such period, are to be proceeded against.

VII. The magistrate shall take such evidence, and hold such proceedings as he may judge necessary, for the purpose of identifying the person of the prisoner; and having established his identity, shall afford to the prisoner an opportunity of offering any plea which he may deem proper, why the sentence specified in the proclamation, directed in Section III, should not be pronounced against him, without trial; recording the names of any witnesses mentioned by the prisoner in support of his allegations. The magistrate shall then commit the prisoner to jail, and shall cause the witnesses named by him for the above purpose as well as the persons necessary to prove the identity of the prisoner, the due publication of the proclamation prescribed by Section III, with the return made to it; and the time and manner of the prisoner's apprehension, to be in attendance along with the prisoner, at the next ensuing sessions of the court of circuit; and shall at the same time lay before the court the whole of his proceedings in the case.

How the magistrate is to proceed.

VIII.

How the [illegible] circuit is to p[illegible].

VIII. On the prisoner's being brought before the court of circuit at such ensuing session, the judge of the court, before whom it may be holden, shall again afford to the prisoner an opportunity of urging his reasons why the sentence prescribed by this Regulation should not be pronounced against him without trial. The judge shall also examine the witnesses who may be in attendance, under the directions contained in the preceding clause, and whose evidence may be deemed necessary to establish the identity of the prisoner; the due publication of the proclamation, with the return made to it; and the time and manner of the prisoner's apprehension. Should the judge be satisfied, from the proceedings held by him, that the prisoner has not incurred the penalties prescribed by this Regulation, he shall suspend passing any sentence on the prisoner. On the contrary, if the judge should be satisfied of the identity of the prisoner, and of his contumacy in not appearing before the magistrate within the prescribed period, he shall adjudge the prisoner to be imprisoned and transported for life, forwarding the whole of the proceedings, in either case, to the Nizamut Adawlut, who will pass such sentence or orders thereupon, (in conformity with this Regulation) as the circumstances of the case shall appear to warrant.

Nizamut Adawlut may mitigate the sentence in such cases.

IX. Nothing herein contained shall preclude the Nizamut Adawlut from mitigating the sentence passed on a prisoner, under this Regulation, whenever that court shall see sufficient ground for so doing.

Conviction under this Regulation not to exempt a prisoner from trial in other cases.

X. A conviction under the above provisions, shall not exempt a prisoner so convicted, from being brought to trial on any specific charge of any other crime or offence, the nature of which may be such as to render him liable to an equal or greater punishment under the Regulations. Whenever a charge of this nature shall be preferred against a prisoner so convicted, whether before or subsequently to his being apprehended, or shall arise from any proceeding held against him, and there shall appear to the magistrate sufficient grounds for so doing, he shall bring the prisoner to trial on such charge, before the court of circuit under the established rules, as soon as may be practicable after the prisoner's surrender, or apprehension. The court of circuit or Nizamut Adawlut may also respectively direct, that the prisoner be brought to trial on any specific charge not being that for which he has been proclaimed, should either of those courts see grounds for doing so, from the proceedings before them. (n)

All persons required to afford assistance in the apprehension of such offenders, and persons wounding or slaying such proclaimed offenders to be deemed guiltless.

XI. It being the duty of all classes of the community to aid in the apprehension of persons charged with the commission of public crimes and offences, all zemindars, talookdars, and other proprietors of lands, whether malgoozarry or lakheraje; all sudder farmers and renters of land of every description; all depend-

(n) See the Circular Orders of the Nizamut Adawlut, new edition, No. 19, page 10. enforcing an observance of the provisions of this section.

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ent talookdars; all naibs and other local agents; all native officers employed in the collection of the revenues and rents of lands on the part of government, or of the Court of Wards; and generally, all persons of whatever description, are hereby required to afford every practicable assistance in the apprehension of such offenders, particularly of the notorious criminals described in this Regulation, both during the period specified in the proclamation, and subsequently to that period, should they still have evaded the pursuits of justice. It is hereby at the same time declared, that if any person in his endeavours to apprehend a proclaimed offender for whose apprehension a reward has been offered, should wound or slay him in consequence of his standing on his defence or flying, the person so wounding or slaying the criminal, shall be deemed entirely guiltless with respect to that act; in like manner as any person pursuing a robber or murderer immediately after the commission of the crime, or resisting him during his attempts to perpetrate the offence, is held guiltless if he wound or slay the criminal in endeavouring to apprehend him.

All landholders and their officers, or the native revenue officers of government accountable for early and punctual communication of intelligence respecting such proclaimed offenders, and magistrate not to divulge secret intelligence.

XII. All zemindars, talookdars and other proprietors of lands, whether malgoozarry or lakheraje; all sudder farmers and under-renters of land of every description; all dependent talookdars; all naibs and other local agents; all native officers employed in the collection of the revenues and rents of lands on the part of government, or of the Court of Wards; are hereby declared (in addition to the responsibility attaching to them by the existing Regulations with respect to robberies in general) especially accountable for the early and punctual communication to the magistrates and police darogahs, either publickly or secretly, as the informant may judge proper, of all intelligence which they may obtain respecting the resort of any proclaimed dacoit (o) to any place within the limits of the estate or farm, held or managed by them, and the magistrates are hereby strictly enjoined not to divulge any secret information communicated to them on this subject, which may eventually affect the personal security of the informant.

Persons of the description abovementioned, how to be dealt with for neglect of giving due information.

XIII. If a magistrate shall have grounds to believe that any person of the description of those specified in the preceding section shall have neglected to give due information to the magistrate or the police darogah, of the resort of any proclaimed dacoit to any place within the limits of the estate or farm, held or managed by such person, the magistrate shall call upon him to answer to the charge; and if it shall appear upon a full and impartial enquiry, that the person accused has been actually guilty of the neglect ascribed to him; the magistrate shall sentence the

(o) Also respecting the resort to any place within the limits of the estate or farm held or managed by them, of decoits, cozauks, thugs, buddecks, and other description of robbers; of the residence of any notorious receiver or vender of stolen property; of the commission of robberies, breaking into houses, tents or boats, and other places of habitation; and of the commission of murders, arson and theft. See Regulation VI, 1810, Section II, Regulation I, 1811, Section X, Regulation III, 1812, Section IV, and Regulation VIII, 1814, respectively.

offender

offender to pay such a fine to government, and to suffer imprisonment for such a period of time as he may deem proportioned to the offence, not exceeding however, the limitation prescribed by Section XIX, Regulation IX, 1807, viz. Imprisonment for six months, and a fine of rupees 200, commutable, if not paid, to imprisonment for a further period not exceeding six months longer.

How such persons are to be dealt with, in cases of harbouring or assisting proclaimed dacoits.

XIV. If a magistrate shall have grounds to suspect that any person of the description of those mentioned in the preceding sections, has afforded any actual assistance in harbouring a proclaimed dacoit, subsequently to the promulgation of the proclamation, that is, if such person shall be suspected of having afforded to the said dacoit lodging, money, grain, or other supplies, or that he has committed any other overt act, tending to aid the offender in his depredations, upon the community, or to evade the pursuits of justice; or that he has received any present or nuzzer, either in money or goods from the said offender, the magistrate shall call upon the person suspected of having so offended for his reply; and if it shall appear upon a full and impartial enquiry, that he has been actually guilty of the serious offence ascribed to him, the magistrate, in addition to the punishment mentioned in the preceding section, shall adjudge the estate or farm, held by him (supposing him to be a sudder zemindar, talookdar or farmer) forfeited to government. Provided, however, that previously to carrying the judgment of forfeiture into execution, the magistrate shall submit his proceedings on the subject, to the court of Nizamut Adawlut, who will confirm or annul the judgment so passed, according as they may be of opinion, that the charge has been duly established or otherwise; provided, moreover, that in the event of their confirming the judgment, the Nizamut Adawlut shall report the case to the Governor General in Council, at the same time stating their opinion, whether the forfeiture should be enforced or remitted, or commuted to a fine. *(p)*

How persons not being proprietors or sudder farmers of land, are to be dealt with in such cases.

XV. Should the person convicted of the offence mentioned in the preceding section, not be a proprietor or sudder farmer of land, the magistrate shall sentence him, in addition to the punishment noticed in Section XIII of this Regulation, to such further fine and imprisonment as he may deem proportioned to his offence; but previously to carrying such further judgment into effect, the magistrate shall submit his proceedings to the Nizamut Adawlut, who will finally confirm, amend, or rescind the decision, as may appear to them to be just and proper. Should the person so offending be also an officer of government, the Nizamut Adawlut will at the same time take into their consideration whether he should not be dismissed

(p) The Nizamut Adawlut is competent, without the sanction of, or reference to, the Governor General in Council, to remit, commute, or mitigate, any penalty, or sentence of punishment. See the several sections of Regulation XIV, 1810.—*Constructions by the Nizamut Adawlut.* 1. The court authorized the attachment of lands adjudged by a magistrate liable to forfeiture, for harbouring decoits, under this section. 24 *May,* 1809. 2. The provisions of this section can be considered applicable only to the case of harbouring or aiding decoits, proclaimed in conformity with Section III of this Regulation. 25 *January,* 1813.

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from his office; and if so, will adopt the necessary measures for that purpose, under the provisions of the general Regulations

XVI. A separate register shall be kept by the magistrates of all sirdar dacoits or other persons proclaimed under the present Regulation, according to the following form: (q)

Register of proclaimed offenders to be kept by the magistrate.

Date of proclamation.	Name of the person proclaimed.	Date of apprehension, surrender, or ascertained death.	Sentence by the court of circuit.	Final sentence of the Nizamut Adawlut.	Date of final sentence.

XVII. A copy of the foregoing register (q) shall be transmitted, duly revised on the 1st of each month to the court of Nizamut Adawlut. A transcript of it shall likewise be at all times suspended in the cutcherry of the magistrate, in order that the public may be fully apprised of the names of proclaimed dacoits; whether the period limited in the proclamation for their surrender be past or yet unexpired.

Copies of such registers to be transmitted monthly to the Nizamut Adawlut, and transcript to be hung up in the cutcherry of the magistrate.

(q) This Register is superseded by that prescribed by the Circular Orders of the Nizamut Adawlut, new edition, No. 8, page 99, which has been incorporated in Regulation III, 1812, Section IX, Form No. 2. See the provisions of that Regulation, from Section IX to the end, for the more effectual apprehension of notorious offenders or criminals.

A. D. 1808. REGULATION X.

A REGULATION *for the appointment of a Superintendant of Police; and for defining his jurisdiction and authority.*—PASSED *by the Governor General in Council, on the 28th November* 1808, *corresponding with the* 15*th Aughun* 1215 *Bengal era; the* 25*th Aughun* 1216 *Fusly; the* 15*th Aughun* 1216 *Willaity; the* 11*th Aughun* 1865 *Sumbut; and the 9th Showaul* 1223 *Higeree.*

UNDER the system of police established in the provinces subject to the presidency of Fort William, the zillah and city magistrates, with the police officers and other persons acting under them respectively, have exclusive authority, in all matters of police, within their several jurisdictions; except in particular cases, wherein a concurrent authority is specially sanctioned; and with a local exception to the 24 Purgunnahs, and parts of the adjacent districts in the vicinity of Calcutta, in which the justices of the peace for that city have been vested with the powers of magistrates as stated in the preamble to Regulation VII, 1806. It is however consistent with the practice of other governments, that judicious and well concerted measures should occasionally be adopted from the capital, in addition to the local administration of the police, for the apprehension of public offenders; and for the maintenance of general order and tranquility throughout the country. By concentrating information obtainable from different parts of the country, in a particular office at the presidency, a successful plan of operations may be devised and executed where the efforts of the local police officers would be unavailing. Information and measures conducive to the discovery and seizure of the gangs of decoits, which, still continue to infest many of the zillahs in the province of Bengal, may especially be promoted by the appointment of a superintendant of the police. A power, vested in this officer, to act in concert with the zillah and city magistrates, or independently of them, as circumstances shall direct, may also be usefully employed in the detection and apprehension of persons charged with or suspected of other public offences; and to promote this object, it is expedient, that he should be one of the justices of the peace for the presidency. The Governor General in Council has accordingly enacted the following Regulation, to be in force, as soon as promulgated. (r) Preamble.

(r) A separate superintendant of police has also been appointed for the divisions of Benares and Barrelly, by Regulation VIII, 1810, Section III. See the specification of some of the general duties, powers and authority of the superintendants of police, in Sections IV, V and VI, of that Regulation, and in Regulation XVII, 1816.—*Construction and explanation by the Nizamut Adawlut.* 1. The superintendants of police, in their capacity of magistrates, are equally subject to the control of the Courts of Circuit, with all magistrates, and that the warrants and orders of that court may be issued to them, in like manner as they are usually issued to the magistrates. 28 *March,* 1811. 2. In criminal prosecutions of a public nature, on the part of government, which are now usually conducted by the vakeel of government, the court are not aware of any

A covenanted servant of the Company to be appointed justice of the peace for the city of Calcutta, magistrate of the 24 Purgunnahs, and superintendant of police.

II. In addition to the persons holding the joint offices of justices of the peace for the city of Calcutta, and magistrates of the 24 Purgunnahs, but whose functions are, for the most part, confined to the city and its suburbs, a covenanted servant of the Company shall be appointed to the offices of justice of the peace for the city of Calcutta; magistrate of the 24 Purgunnahs; and superintendant of police. (s)

To be guided by the laws in force, in executing duties of a justice of the peace.

III. As justice of the peace, he will of course be guided by the laws in force for the execution of the duties of that office.

To perform the duties of the magistrate of the 24 Purgunnahs, with aid of assistants, in conformity to the Regulations.

IV. (t) As magistrate of the 24 Purgunnahs, he shall, with the aid of two assistants, perform the duties of that office, in conformity with the Regulations in force for the guidance of the zillah magistrates.

Jurisdiction of superintendant of police.

V. In his capacity of superintendant of police, he shall possess a concurrent jurisdiction with the several zillah and city magistrates in the divisions of Calcutta, Dacca and Moorshedabad. (v)

Process of superintendant of police may be executed by his own officers or through local authorities.
Magistrates and all persons under them, required to aid and support the superintendant's officers in execution of process issued by him.
Resistance to such process how punishable.

VI. The superintendant of police is empowered to execute his warrants, and other process, in the form prescribed by the Regulations, either by means of his own officers, or through the local authorities, as he may judge proper. The several zillah and city magistrates, and all persons acting under them, are required to aid and support the officers of the superintendant of police in the execution of any warrant or other process issued by him, under his seal and signature, and resistance to any

objection against employing the superintendant of police, or any other officer whom the Governor General in Council may judge proper to appoint, (not being the committing magistrate) to conduct the prosecution before the Court of Circuit, provided he be recognized as the prosecutor or agent of government for conducting the prosecution, and be not authorized to interfere in any other capacity in the trial before the Court of Circuit. In cases of commitments made by the superintendants of police, the court are of opinion, that on a general principle, they should not be employed to conduct the prosecution before the Court of Circuit, though no objection would attach to the nomination of their assistants, or the assistants of the zillah and city magistrates, to manage the prosecution in such cases. In the particular trial referred to. the court understood the commitment to have been made by the acting superintendant of police in the lower provinces, in his capacity of acting magistrate of the Twenty-four Purgunnahs; and that his wish was not only to be present at the trial before the Court of Circuit, but to assist in the conduct of the prosecution, and to afford information that might be required by the court. The attendance of the superintendant of police at any criminal trial before the Court of Circuit, under the restriction stated, viz. abstaining from any irregular interference in the trial, the court saw no material objection to, provided the stated restriction were strictly observed; as it may be considered a privilege claimable by the public officers, in common with all persons, of being allowed to attend an open court, though such privilege could not, of course, attend to any recognition of them in their official capacity. 9 *July*, 1817.

(s) The superintendant of police for the lower provinces, is not a magistrate either of the Twenty-four Purgunnahs, or of the Suburbs of Calcutta, possessing, however, a concurrent authority in all the magistracies within his jurisdiction, as stated in Section V, of this Regulation; nor are the justices of the peace for Calcutta, magistrates either of the Twenty-four Purgunnahs, or of the Suburbs of Calcutta, or hold any share in the administration of the police, or criminal justice, in those zillahs. See Regulation XIV, 1811, Section III.

(t) Rescinded by Regulation XIV, 1811, Section III:—See the last Note.

(v) The division of Patna has been added to the jurisdiction of the superintendant of police for the lower provinces, by Regulation VIII, 1810, Section II. The duties, powers and authority, vested in the superintendant of police appointed by the present Regulation, contained in this and the following sections, but the last, are also vested in the superintendant of police appointed by Regulation VIII, 1810, Section III.

process so issued is hereby declared to be punishable, in like manner as provided by the Regulations for resistance to the process of a zillah or city magistrate. (u)

VII. The superintendant of police is authorized to correspond either publicly, or secretly, with the officers of government in every department, upon subjects connected with the discharge of the duty committed to him: and all public officers are directed to furnish the superintendant with any information they may possess upon such subjects; as well as generally to co-operate with him, and to afford every assistance in their power to enable him to accomplish the objects of his appointment. (w)

Superintendant of police authorized to correspond with officers of government in every department.
All public officers to furnish him with any information they may possess.
And generally to co-operate with and assist him in accomplishing the objects of his appointment.

VIII. The superintendant of police shall communicate immediately with the Governor General in Council, through the secretary in the judicial department, upon all matters connected with his office; and shall act under such instructions as may, from time to time, be transmitted for his guidance by the order of government.

Superintendant to communicate with Governor General in Council, through secretary in the judicial department.
And to act under instructions of government.

IX. The superintendant of police shall also be considered under the general authority of the court of Nizamut Adawlut; in all matters relative to the police; and upon any point not expressly provided for by the Regulations, or by the orders of government, shall be guided by the instructions of that court.

Superintendant to be also under general authority of the Nizamut Adawlut, in matters of police.
And to be guided by instructions of that court on points not provided for by the Regulations or orders of government.

X. Section XXVII, Regulation II, 1802, relative to the commission payable to the magistrates of Calcutta and of the 24 Purgunnahs, is hereby rescinded.

Section XXVII, Regulation II, 1802, rescinded.

(u) See Regulation III, 1812, Section V, for the mode in which the superintendants of police may have their sentences executed, and of conducting prosecutions, upon commitments made by them, whenever they cannot themselves conveniently discharge those duties.

(w) *Construction by the Nizamut Adawlut; 20 January*, 1814. The superintendant of police is authorized to make an application to be furnished with copies of proceedings in trials before the Courts of Circuit, and that it is incumbent on those courts to comply with such an application.

A. D. 1808. REGULATION XI

A REGULATION *for the adjustment of the rent payable by the heirs of invalid jaggeerdars.*—PASSED *by the Governor General in Council, on the 28th November 1808; corresponding with the 15th Aughun 1215 Bengal era; the 25th Aughun 1216 Fusly; the 15th Aughun 1216 Willaity; the 11th Aughun 1865 Sumbut; and the 9th Showaul 1223 Higeree.*

Preamble.

IN Clause Sixth, Section V, Regulation XLIII, 1793, it was enacted with respect to the rents payable by the heirs of invalid jaggeerdars, "that after the expiration of the period of five years, the payment of one-tenth as malikhanah prescribed "in the fourth article, shall cease, and the collector shall assess the lands with a "neat rent equal to two-thirds of the rent paid for other lands in the district of the "same description and quality." In Clause Sixth, Section IX, Regulation I, 1801, it was enacted, that "after the expiration of the period of five years, the payment "of malikhanah shall cease, and the proprietor of the land shall be entitled to rent "in the proportion of two-fifths of the annual produce, whether in kind or money "as may be agreed on between the parties concerned in the adjustment." The latter provision was not intended to increase the rate of rent payable by the heirs of invalids to the zemindars, for which indeed no motive could exist, the lands in question not being included in the assets on which the jumma payable by the zemindars to government had been adjusted. The modification in question, was adopted on the supposition, that a difficulty might occur in ascertaining the sum which would be "equal to two-thirds of the amount paid for other lands, in the district of the "same description and quality;" and also on the supposition, that the application of the more definite rule contained in Clause Sixth, Section IX, Regulation I, 1801, would afford nearly the same result as the former provision, but which, from information since submitted to government, the Governor General in Council has reason to believe, is not always the case. The following rules have accordingly been enacted, to be in force from the time of their promulgation in all the districts in which invalid tannahs have been or may be established. (*x*)

Collectors to adjust the rent payable by the heirs of invalids, under the con-

II. On the expiration of the periods specified in Clause Sixth, Section IX, Regulation I, 1801, it shall be the duty of the collectors of the districts, in which inva-

(*x*) Invalid thannahs have only been established in the provinces of Bengal and Behar. In that portion of the latter province, comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, the collectors of the land revenue are hereafter to refer to, and be guided by, the Commissioner in Behar and Benares, instead of the Board of Revenue, on matters relative to these thannahs. See Regulation I, 1816. Invalids are not now entitled to lands on the Jaghiredar establishment, but only to the invalid pay, with permission to retire to any part of the Company's territories. See Regulation II, 1811.

lid

trol of the Board of Revenue.

lid thannahs are situated, to adjust the rent payable by the heirs of invalids, on account of the jaggeers held by them to the zemindars, under the supervision and control of the Board of Revenue.

Rules for the guidance of the collectors in making such adjustment.

III. In making such adjustment, the collectors shall be guided as nearly as possible by the spirit of the provisions noticed in the preamble to this Regulation, that is, the zemindars shall be entitled to receive a neat rent equal to two-thirds of the amount paid for other lands, in the district of the same description and quality, according to the best information which the collectors may be able to obtain on that point, and the adjustment so made, shall be considered binding between the zemindars and the above description of tenants, so long as the lands shall be occupied by the latter.

Courts of justice to be guided by such adjustment in the decision of suits preferred by zemindars against the heirs of invalids.

How zemindars are to proceed in case of such adjustment not being made in due time.

IV. The courts of justice shall be guided by the adjustment made by the collectors, under the control of the Board of Revenue, in the decision of all suits, which may be preferred by zemindars against the heirs of invalids to rent, on account of their jaggeers; and no claim of that nature shall be deemed valid, until it shall have been adjusted under the preceding sections, by the collectors. Should however, the collectors fail to make the requisite adjustment in due time, the zemindar who may suffer any loss or inconvenience from that cause, will be of course at liberty to represent the circumstance to the Board of Revenue, who are hereby required to give the earliest attention to complaints of that nature.

A. D. 1808. REGULATION XII.*

A REGULATION *to provide for the administration of civil and criminal justice at Serampore:* —PASSED *by the Governor General in Council, on the 23d December 1808; corresponding with the 10th Poose 1215 Bengal era; the 20th Poose 1216 Fusly; the 10th Poose 1216 Willaity; the 6th Poose 1865 Sumbut; and the 4th Zekaad 1213 Higeree.*

THE war between Denmark and Great Britain rendering it uncertain how long the factory of Serampore may remain under the authority of British government; and the appeal which was before open from the judgments of the European court, and chief, at Serampore, to a superior tribunal at Tranquebar, in all cases of a civil nature exceeding the sum of one hundred and fifty rupees, as well as an ultimate appeal, in certain cases, to the King of Denmark in Council, being necessarily suspended during the war; the Governor General in Council, with a view to secure to the inhabitants of Serampore, whilst they shall remain under British protection, the due and regular administration of justice, civil and criminal, as already provided for by Regulations I, and XVI, 1805, in the settlements of Chandernagore and Chinsurah; with such differences only as appear requisite in conformity with the local establishments and usages subsisting at Serampore, when that settlement became subject to the British authority; has enacted the following rules, to be in force as soon as promulgated; and to remain in force whilst the settlement of Serampore shall continue under the British government. Preamble.

II. For the administration of civil and criminal justice to the European and native inhabitants of Serampore, there shall, as heretofore, be two separate and independent courts; to be denominated, respectively, the European court, and the cutcherry or native court. Two courts of civil and criminal justice to remain as heretofore.

III. The European court shall be composed of a judge and magistrate; and of a recorder, or register; to be appointed to their respective offices by the Governor General in Council; and to be removable therefrom by his order only. Two European or Portuguese officers shall also be attached to the court, whose duty it shall be, as heretofore, to attest the proceedings of the court; and to verify them, when required, on oath. The requisite establishment of native officers shall also be attached to the court. European court of what officers to consist. By whom to be appointed, and by whom removable. Further inferior officers, what duties to be performed by them. Native establishment.

IV. The cutcherry or native court shall consist of a judge and magistrate, with an establishment of native officers. The judge and magistrate to be appointed by the Governor General in Council, and to be removable by his order only. Native court of what officers to consist, by whom to be appointed, and by whom removable.

* The whole of this Regulation is rescinded by Regulation III, of 1816.

V.

Civil suits between what persons to be taken cognizance of by the European court.

V. The European court, in its civil jurisdiction, shall take cognizance of all suits of a civil nature, between Europeans, the descendants of Europeans, and the description of native christians commonly called Portuguese; or in which the defendant may be an European, the descendant of an European, or native christian of the description abovementioned; provided, in all cases, that the parties sued be subject to the local jurisdiction of the court. With the exception stated in the following section; the court shall be guided, in its proceedings and decisions, by the laws, rules, and usages, which were in force at Serampore, at the time of its coming into the possession of the British government. When the judge shall found his decision upon any law of Denmark, or upon any particular local rule, or usage, he shall specify the same in his decree. All petitions and pleadings of the parties may be written at their option, in the Danish or English language, but in cases appealed to the commissioner as hereafter provided, an English translation of all papers in the Danish language shall be made at the expense of the appellant (to be reimbursed by the respondent, if the judgment on the appeal be given in favor of the appellant) and shall be authenticated by the judge or register. And in all cases the proceedings, orders, and judgments of the court, shall be recorded in both the Danish and English languages.

By what laws and local usages European court to be guided.

Points of Danish law or local usage, to be specified by the judge in his decrees.

Pleadings, &c. in what language to be held.

In appeals to the commissioner, an English translation at whose expense to be made.

Proceedings how to be recorded.

Debtors and others who had taken refuge at Serampore before it came under the British authority, how to be sued.

VI. Protections and exemptions from suits granted by the Danish government, to persons who had taken refuge at Serampore, shall no longer have effect, in exempting such persons from being sued in the courts of Serampore, provided they are otherwise amenable to their jurisdiction. But in the event of a judgment being passed against any person who had received a protection from the Danish government, in respect of any sum of money or value due before the capture of Serampore, the judgment shall be executed by attachment and sale of the property of the defendant only, and not by imprisonment of his person; unless it shall clearly appear that he has been guilty of fraud towards his creditor, and has concealed or clandestinely disposed of property, which ought, in justice, to have been appropriated to the discharge of his debt; in which case, it shall be at the discretion of the court, on application from the plaintiff, and on his undertaking to pay the usual subsistence to the defendant, during his imprisonment; to confine the latter until the judgment passed against him be satisfied.

Judgments obtained against them to be enforced by attachment of property without imprisonment.

Except in particular cases.

For what amount judgments of European court to be final.

Provision for special appeals to commissioner.

VII. *First.* The judgments of the European court shall be final to an amount or value not exceeding one hundred and fifty sicca rupees. Provided, however, it shall be competent to the commissioner at Serampore to admit a special appeal from any decree of the European court, which on the face of it, may appear to be erroneous or unjust, or from which the nature of the case shall appear to be of sufficient importance to merit a further investigation in appeal although within the amount specified in this clause.

Second.

Second. From all judgments and orders passed by the European court for an amount or value exceeding one hundred and fifty sicca rupees, an appeal shall lie to the commissioner at Serampore; provided that the petition of appeal be preferred within three months after the judgment or order appealed from, shall have been passed; or, if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the commissioner.

In causes [for what amount, and under what conditions, regular appeals to be admitted by the commissioner.

VIII. The cutcherry or native court, in its civil jurisdiction, shall have cognizance of all causes of a civil nature between native parties, or in which a native of India (not of the description of native christians mentioned in Section V,) may be the defendant; provided that the parties sued be subject to the local jurisdiction of the court. With the exception stated in Section VI, (which is hereby declared equally applicable to the native and European courts) the court shall be guided in its proceedings and decisions by the laws, rules, and usages which were in force at Serampore, when it came into the possession of the British government. When the judge shall found his decision upon any particular law, rule, or usage, he shall specify the same in his decree. All petitions and pleadings of the parties, as well as all proceedings and orders of the court, shall be in the Bengal or Persian language.

Civil suits between what persons, to be taken cognizance of by the native court.

Proviso.

By what laws and local usages native court to be guided.

Particular points of law, or local usage to be specified by judge in his decrees.

Pleadings &c. in what languages to be held.

IX. *First.* The judgment of the native court shall be final to an amount or value not exceeding fifty sicca rupees. Provided however, that it shall be competent to the commissioner at Serampore to admit a special appeal from any decree of the native court which on the face of it may appear erroneous or unjust; or from which the nature of the case shall appear to be of sufficient importance to merit a further investigation in appeal, although within the amount specified in this clause.

For what amount judgments of native court to be final.

Provisions for special appeals.

Second. From all judgments and orders passed by the native court for an amount or value exceeding fifty sicca rupees, an appeal shall lie to the commissioner at Serampore; provided that the petition of appeal be preferred within three months after the judgment or order appealed from, shall have been passed; or if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the commissioner.

In cases of what value and under what conditions, regular appeals shall lie to the commissioner.

X. *First.* In all cases of a civil nature heard and determined by the commissioner at Serampore, whether in appeal from the European court, or from the native court, a further appeal shall lie from the judgment, or order, of the commissioner, to the court of Sudder Dewanny Adawlut established at Calcutta; provided that the amount or value adjudged against the party desiring to appeal, shall exceed the sum of five thousand sicca rupees; and that the petition of appeal be preferred within three months after the decree or order appealed from, shall have been passed; or if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the court of Sudder Dewanny Adawlut.

In cases of what value, and under what conditions, a further appeal from the commissioner shall lie to the Sudder Dewanny Adawlut.

Second. It shall further be competent to the court of Sudder Dewanny Adawlut to admit a special appeal from any judgment or order passed by the commissioner at

In what instances the Sudder Dewanny Adawlut may admit a special

Serampore,

appeal from the decisions of the commissioner.

Serampore, although the amount or value adjudged may be less than five thousand sicca rupees; if on the face of the decree or order, it shall appear erroneous or unjust; or if, from the nature of the case, as stated in the decree, or order, it shall appear of sufficient importance to merit a further investigation in appeal although within the amount specified in the preceding clause.

The provision in this Regulation respecting appeals from decisions passed since the settlement of Serampore has been subject to the British authority.

XI. The provisions contained in this Regulation for an appeal to the commissioner at Serampore from decisions passed by the European and native civil courts at that settlement, and for a further appeal from the decisions of the commissioner to the court of Sudder Dewanny Adawlut, shall have a retrospective operation, with respect to all decisions in civil causes passed by the European and native courts, and by the commissioner, since the settlement of Serampore has been subject to the authority of the British government. But nothing in this Regulation shall be understood to authorize an appeal in cases determined by the courts established at Serampore, before its subjection to the British authority; without special cause assigned to the satisfaction of the court of Sudder Dewanny Adawlut; which court is empowered to admit such appeals, in particular cases, if it appear necessary for the ends of justice, but this discretionary power is to be exercised with caution; and the appeal is not to be allowed in any case without satisfactory reason for its not having been before brought forward.

But not to any decision before that date, unless by particular permission of the Sudder Dewanny Adawlut.

Sudder Dewanny Adawlut how to be guided in appeals from the commissioner of Serampore, and what its authority over the courts established there.

XII. *First.* The provisions contained in Sections IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII, Regulation I, 1805, relative to appeals to the court of Sudder Dewanny Adawlut, from the decisions of the courts of civil justice established at Chandernagore and Chinsurah, and to the general authority of the Sudder Dewanny Adawlut over those courts, shall be considered applicable to all cases of appeal to the court of Sudder Dewanny Adawlut from the judgments and orders of the commissioner at Serampore, as well as to the general authority of the Sudder Dewanny Adawlut over the courts of justice established at Serampore.

Rules of practice for the European and native courts, to be framed by commissioner, and approved by the Sudder Dewanny Adawlut.

Second. It shall further be competent to the commissioner at Serampore to frame such rules of practice as may be found most convenient for carrying into full effect the several provisions of this Regulation: and after obtaining the approbation of the Sudder Dewanny Adawlut thereto, to prescribe an observance of the same to the European and native courts at Serampore.

Provisions for administering criminal justice in Chandernagore and Chinsurah, extended to Serampore.

XIII. *First.* The provisions contained in Regulation XVI, 1805, for the administration of justice in criminal cases within the settlements of Chandernagore and Chinsurah; and for extending the jurisdiction of the Calcutta court of circuit, and court of Nizamut Adawlut over those settlements, are hereby extended to the settlement of Serampore, with the following modifications.

What powers to be exercised by magistrates at Serampore, and what rules to guide them.

Second. The magistrates of the European and native courts at Serampore, in the cognizance of criminal offences, shall respectively exercise, over the persons subject

to

to their jurisdiction, the same powers as are vested in the magistrates of Chandernagore and Chinsurah respectively by the Regulation abovementioned; and shall be guided by the same rules in the performance of their duties, as far as the same may be applicable.

Third. In all cases not provided for by Regulation XVI, 1805, or by the present Regulation, the magistrates of the European and native courts at Serampore shall be guided by the laws, rules, and forms, which were in force before the subjection of that settlement to the British government.

In cases not provided for by Regulation XVI, 1805, magistrates at Serampore how to be guided.

Fourth. The commissioner at Serampore shall possess a concurrent jurisdiction with that of the magistrates of the European and native courts, in all matters of a criminal nature; as well as a general superintendence of the police; and he is hereby declared competent to interpose his authority and control, whenever the same may appear necessary.

What powers to be exercised by the commissioner of Serampore in criminal matters, and in superintendence of the police.

XIV. Two general jail deliveries for the settlement of Serampore shall be holden annually, at Serampore, by one of the judges of the courts of circuit for the division of Calcutta, immediately after the half yearly jail delivery for the settlements of Chandernagore and Chinsurah.

Jail deliveries for Serampore at what periods, and by whom to be held.

XV. The commissioner at Serampore shall perform the duties prescribed to the magistrate of Chandernagore and Chinsurah by Sections VIII, IX, and X, Regulation XVI, 1805, and generally the whole functions of the magistrate, prescribed by that Regulation, which may not more properly appertain to the magistrates of the European and native courts at Serampore.

What duties prescribed in Regulation XVI, 1805, to be performed by the commissioner of Serampore.

XVI. The commissioner at Serampore, on receipt of this Regulation, shall cause it to be exactly translated into the Danish and Bengal languages, and to be published in the courts of justice at that settlement, as well as in such other places and in such manner as may be customary, for general information.

Into what languages this Regulation to be translated, and how to be published, by commissioner of Serampore.

A. D. 1808. REGULATION XIII.

A REGULATION *for rendering civil causes, which are appealable to the court of Sudder Dewanny Adawlut, cognizable in the first instance by the Provincial Courts; and for authorizing the execution of decrees appealed from, in certain cases.*— PASSED *by the Governor General in Council, on the 30th December* 1808; *corresponding with the* 17*th Poose* 1215 *Bengal era; the* 27*th Poose* 1216 *Fusly; the* 17*th Poose* 1216 *Willaity; the* 13*th Poose* 1865 *Sumbut; and the* 11*th Zekaad* 1223 *Higeree.*

UNDER the rules in force, all causes of a civil nature, which may not be specially referred by the Governor General in Council, or by the Sudder Dewanny Adawlut, for trial in the first instance by the provincial courts, are instituted in the zillah or city courts; excepting suits for personal property not exceeding fifty rupees, which may be received by the native commissioners vested with the authority of munsiffs. In all cases tried by the zillah and city judges in the first instance, an appeal from their decisions lies to the provincial courts; and if the cause of action exceed five thousand sicca rupees, a further appeal is open to the court of Sudder Dewanny Adawlut. In consequence of the second appeal allowed, in the cases last mentioned, considerable delay frequently occurs in the final determination upon contested claims to large estates, and other valuable property. Much injury to the rightful owners is often occasioned by such delays; and the expense to all parties is increased, without any adequate benefit. The person against whom the judgment is given, whether by a zillah, city, or provincial court, is seldom willing to abide by it, whilst he is at liberty to appeal from it. And the general option given to appellants by the existing Regulations, to retain possession of property adjudged until a final decree be passed, under security for the performance of such final decision, has been found to encourage litigious and groundless appeals, for the sole purpose of keeping possession of the property in dispute, to the prejudice of the real proprietor. To provide against this abuse, it is expedient that whenever the person, to whom land, houses, or other immovable property may be adjudged, shall be able to give the prescribed security for performing the judgment to be passed on an appeal, he should obtain immediate possession of the property adjudged to him, notwithstanding the appeal; unless special cause appear to the satisfaction of the court of appeal, for leaving the appellant in possession, until the appeal be determined upon. And, for the reasons above stated, it is advisable that all causes ultimately ap- Preamble.

pealable-

pealable to the Sudder Dewanny Adawlut should be made originally cognizable by the provincial courts. In addition to the advantage which the parties in such causes will derive from this measure, it may be expected that it will promote the speedy decision of other suits cognizable in the zillah and city courts, by relieving the judges of a part of their present duty. At the same time it will be requisite, as well for the convenience of witnesses residing at a distance from the stations of the provincial courts, as to prevent too great an accumulation of business in those courts, that a discretionary power should be vested in them of causing the depositions of witnesses to be taken in the zillah and city courts; or before the judge of the provincial court who may proceed upon the half yearly circuit. For these purposes, the Governor General in Council has enacted the following rules, to be in force, as soon as promulgated, in the several provinces immediately subject to the presidency of Fort William. (a)

Part of existing Regulations vesting original jurisdiction in zillah and city courts, in regular civil causes of amount or value exceeding 5000 rupees hereby rescinded.

II. Such part of the existing Regulations as vests original jurisdiction in the zillah and city courts of dewanny adawlut, for the institution, trial, and decision, of regular civil suits, in which the cause of action may exceed five thousand sicca rupees, viz: for malgoozary land, the computed annual produce of which, as described in Section III, Regulation IV, 1793, and Section III, Regulation III, 1803, may exceed five thousand sicca rupees; or for lakheraje land, the computed annual produce of which may exceed five hundred sicca rupees; or for a house, tank, garden, or any other description of immovable property, the computed value of which may exceed five thousand sicca rupees; or for money, effects, or other moveable property, exceeding in amount or value, the sum of five thousand sicca rupees; is hereby rescinded.

Such causes to be tried, in the first instance, by the provincial courts.

III. *First.* All regular civil suits, for an amount or value, exceeding five thousand sicca rupees, as specified in the preceding section, shall be instituted, heard, and determined in the first instance, under the general rules applicable to the institution trial, and decision, of such causes, in the provincial court of the division, in which the land, house, or other immovable property sued for may be situated, or, in other cases in the provincial court of the division in which the cause of action may have arisen, or the defendant may reside as a fixed inhabitant, when the suit against him is commenced (b)

(a) Extended to the portion of lands constituting the Jaghire of the late Killadar of Calenger, annexed to the zillah of Bundlecund, by Regulation XXII, 1812, Section IV, and to the Purgunnah of Handya, annexed to the zillah of Allahabad, by Regulation XVIII, 1816. The territories and jaghires situated on the borders of the zillah of Bundlecund, belonging to several Bondeelah Chieftains, and the tract of land situated near the town of Teroha, in that zillah, granted as an independent Jaghire to His Highness Amrut Rao, are exempted from the operation of the general Regulations; the former by Regulation XXII, 1812, Section II, and the latter by Regulation VII, 1816.

(b) Provision is made in Regulation XXV, 1814, Sections III and V, for transferring regular civil suits exceeding 1000 rupees in amount, from the zillah and city civil courts to the provincial courts, and those exceeding 50,000 rupees in value, from the latter courts to the Sudder Dewanny Adawlut, for trial in the first

Second.

Second. The petition of plaint, with the institution fee, (*c*) and securities required by the Regulations, in such cases, are to be delivered to the provincial courts; unless upon the representation of parties, in particular instances, that it will be more convenient to them to deliver the institution fee, (*c*) or requisite security, to the court of the zillah in which they reside, the provincial court shall think it proper to permit the same; in which case they shall cause notice of such permission to be issued to the zillah judge; and fix a period for compliance with it.

Petition of plaint, institution fee, and securities, to be delivered into provincial court.

Unless provincial court shall permit the same to be delivered in zillah court.

IV. *First.* If the plaintiff in a zillah or city court shall state his cause of action as not exceeding five thousand sicca rupees, and the defendant shall, in answer, deny such statement and allege the produce, amount, or value, to be such as to render the suit not cognizable by the zillah or city court, under this Regulation, the judge of that court, previously to entering upon any investigation of the merits of the cause shall make such enquiry as may appear necessary to ascertain whether the suit be, or be not receivable, in the zillah or city court; and shall pass an order accordingly; leaving either party, who may be dissatisfied therewith, to prefer a *summary appeal* therefrom, to the provincial court; whose decision shall be final upon the question, whether the suit be cognizable, or not, in the zillah or city court. But no such objection to the plaintiff's statement of the cause of action shall be received from the defendant, unless offered, in the first instance, in answer to the plaint. Nor shall any appeal from the order of the zillah or city judge, in such cases, be open to the provincial court, unless preferred within one month, after the order appealed from is passed; or unless sufficient reason be assigned, to the satisfaction of the provincial court, why it was not preferred within that period. (*d*)

Disputes between parties respecting causes instituted in a zillah or city court, being cognizable or not by such court under this Regulation, by whom and under what rules to be decided.

Second. The petition of appeal from the order of a zillah or city judge, declaring a suit admissible or not admissible, in a zillah or city court, may be presented, at the option of the appellant, either to the court passing the order appealed from, or to the provincial court of the division; and in the former case, the zillah or city judge shall immediately transmit the petition with all papers and proceedings relative thereto for the determination of the provincial court; till the receipt of which no further proceedings upon the cause shall be held in the zillah or city court.

Petitions of appeal from an order passed on this subject by zillah or city judge where to be presented; and zillah or city judge how to proceed if the same be presented to him.

instance, under certain circumstances. *Construction by the Sudder Dewanny Adawlut;* 30 *August*, 1810. A claim for land, and the mesne profits thereof, the produce of the land, and the amount of the mesne profits thereof, being each less than 5000 rupees, but the aggregate of both exceeding that sum, is cognizable in the provincial court in the first instance, under this section.

(*c*) Or stamp duty substituted for the institution fee by Regulation I, 1814, Section XIII.

(*d*) The appeal can be preferred in *three* months, if the summary appeal here authorized be subject to the provisions of Regulation XXVI, 1814, Section III, Clause V; which period is to be calculated according to the manner directed in Section VIII, Clause XI, of that Regulation. See the additional rules in Section VII, Clause II. of the same Regulation, which authorize the provincial courts, upon the trial of a summary appeal, to order the refund of the stamp duty, if a suit cognizable in those courts, have been instituted in a zillah or city court, by *mistake* and not *fraudulently*.

Third.

What part of the usual fees to be paid on these appeals, and by whom.

Third. No institution fee (e) shall be demandable upon the summary appeals referred to in this section. And the provincial courts shall award to the pleaders employed therein such proportion of the established fees for pleaders, not exceeding one fourth, as may appear adequate to the service performed by them; to be paid by the party who may have misrepresented the cause of action.

Disputes between parties respecting any cause, instituted in a provincial court, being cognizable or not in the first instance by that court, how and under what rules to be decided.

V. *First.* In suits which may be instituted in the provincial court, if the plaintiff shall state his cause of action, to exceed five thousand sicca rupees, and the defendant shall, in answer, deny such statement, and allege the produce, amount or value, to be such as to render the suit cognizable by the zillah or city court, in the first instance; the provincial court shall cause such inquiry to be made, as may appear necessary, to ascertain whether the suit be cognizable in the zillah, city, or provincial court, under the provisions of this Regulation; and the determination of the provincial court, upon this point, shall be final. (f) Provided, that no such objection to the plaintiff's statement of the cause of action shall be received from the defendant unless offered, in answer to the plaint, in the first instance.

If decided, to be cognizable by a zillah or city court; to be instituted, de novo, in such court.

Second. In the cases provided for in this section, if the provincial court determine that the suit is cognizable in the zillah or city court, the institution fee (g) paid by the plaintiff shall be returned to him; and he shall be left to institute his suit, de novo, in the zillah or city court. If any pleaders shall have been employed in the provincial court, that court shall adjudge to them such proportion of the established fee, not exceeding one fourth, as they may judge adequate; to be paid by the plaintiff.

What suits, of the nature specified, in Section II, now depending in the zillah and city courts, to be decided by those courts.

VI. *First.* Any regular suits of the nature specified in Section II, which may have been already instituted in any zillah or city court, and, the pleadings and evidence having been completed, may be ready for decision, shall be determined in such zillah or city court, notwithstanding the present Regulation. But the proceedings and papers upon any other regular suits of the description mentioned in Section II, which may be depending in any zillah or city court on the promulgation of this Regulation, shall be transmitted to the provincial court of the division; and the parties referred to that court, for the further prosecution and defence of the suits so removed. Provided, however, that if in any instance, upon the representation of the judge of a zillah or city court, or of a party in any cause now depending in a zillah or city court, the investigation of a suit, within the provisions of this Regulation, though not completed, shall have been so far proceeded upon in the zillah or city

What to be transmitted for decision to the provincial courts.

(e) Or the stamp duty substituted for the institution fee, by Regulation I, 1814, Section XIII.

(f) Does not a summary appeal lie to the Sudder Dewanny Adawlut in this instance, under Regulation XXVI, 1814, Section III?

(g) Or the stamp duty substituted for the institution fee, as directed by Regulation XXVI, 1814, Section XXV.

court,

court, as to make it desirable that judgment upon it in the first instance, should be given in that court, it shall be competent to the provincial court of the division to order the same; and to the zillah or city judge to complete his proceedings, and decide upon such suit, in like manner as if this Regulation had not been passed.

Second. In suits removed from the zillah or city courts to the provincial courts under this section, if the institution fee (*h*) have been paid by the plaintiff in the zillah or city court, no additional institution fee (*h*) shall be levied in the provincial court. And if any pleadings upon the cause have been delivered by the vakeels of the zillah or city court, the provincial court on deciding the cause shall make such partition of the established fee, between the pleaders of the two courts, as shall, in each case, appear equitable, on consideration of the duty performed by them respectively.

Rules respecting fees in causes removed from a zillah or city court to a provincial court.

Third. (*i*) *It is further hereby declared, in qualification of the existing rules, relative to fees of pleaders, that whenever the pleader originally entertained by a party may have commenced the pleadings, and prosecution or defence, of a suit, and from any cause not originating in the misconduct of such pleader, another pleader shall be employed in his stead, at the decision, or other termination of the suit, it shall be competent to the court, in which the suit is decided, or otherwise terminated, to adjudge to the pleader so employed at the commencement of the suit, (or if he be dead, to his heirs or legal representatives,) such part of the established fee, as on consideration of the service performed, by him, and by his successors, he may appear entitled to.*

General rule relative to the fees of pleaders.

VII. The provisions in this Regulation having reference only to regular suits, such as those to which the rules contained in Regulations IV, 1793, VIII, 1795, and III, 1803, are applicable, all summary suits authorized by the Regulations, whether for recovering the possession of land or other property in cases of forcible dispossession under Regulations XLIX, 1793, XIV, 1795, and XXXII, 1803; or for the speedy realization of arrears of rent, under Regulations VII, 1799, V, 1800, and XXVIII, 1803; or for any other purpose in which a summary process is sanctioned by the Regulations; shall be cognizable, as heretofore, in the zillah and city courts, whatever may be the produce, amount, or value, of the land, or other property, in dispute.

The provisions of this Regulation not applicable to summary suits of whatever amount.

VIII. The judges of the provincial courts are already empowered by the Regulations, either to examine themselves the witnesses produced before them; or to authorize their registers to take the depositions of such witnesses, in the mode prescribed by Section XVIII, Regulation V, 1793, extended to Benares by Section VI, Regulation IX, 1795, and re-enacted for the ceded provinces by Section XVIII,

Rules in addition to those in force, for the guidance of provincial courts, with respect to taking depositions of witnesses.

(*h*) Or the stamp duty substituted for the institution fee by Regulation I, 1814, Section XIII.

(*i*) Rescinded by Regulation XXVII, 1814, Section II.

Regulation IV, 1803. The judges of the provincial courts are further hereby empowered to employ their assistants, or any of their principal native officers to take the depositions of witnesses, whom they may not have time to examine vivâ voce themselves; in like manner as the judges of the zillah and city courts are authorized by Clause First, Section XXI, Regulation XLIX, (j) 1803, (re-enacted for the ceded and conquered provinces by Clause Third, (j) Section XVII, Regulation VIII, 1805;) and under the provision therein stated.

In what cases a provincial court may cause the evidence of a witness to be taken by the judge of the zillah or city where he resides.

IX. Whenever a witness, whose evidence is required by a provincial court, may reside at such a distance from the station of the provincial court, as to render his attendance at such station inconvenient; or when, from any cause, it may be deemed improper by the provincial court to summon a witness to that court; it shall be competent to the provincial court to cause the deposition of such witness to be taken by the judge of the zillah or city in which the witness may reside. In such cases the provincial court shall instruct the zillah or city judge upon what points the witness is to be examined; and the deposition shall be taken, in open court, in the presence of the parties, or their authorized pleaders, under the general rules prescribed for the examination of witnesses in the civil courts. (k)

In what manner to be taken.

In what cases a provincial court may cause the evidence of a witness to be taken by one of the judges of circuit.

X. In cases, in which the provincial courts may judge it advisable, they are likewise empowered to cause the evidence of any witness to be taken, in the prescribed form before the judge of the provincial court who shall next proceed upon the circuit to the zillah in which the witness may reside.

Modification of existing rules for staying the execution of decrees during appeal in causes for immoveable property.

XI. *First.* Such part of the existing Regulations, as directs that decrees appealed from, in cases of land, houses, or other immovable property, adjudged against the appellant, shall not be carried into execution during the appeal, provided the appellant give good and sufficient security for performing the decree which may be passed upon the appeal, in a sum equal to one year's produce of the property adjudged, is hereby modified, as follows. (l)

Persons suing for such property and obtaining a decree for it to have possession notwithstanding an appeal, on giving prescribed security.

Second. Whenever a person claiming the proprietary right in land, houses, or other immovable property, not in his possession, shall obtain a decree, upon investigation of the merits of the case (whether in a zillah or city court, or in a provincial

(j) Regulation XLIX, 1803, is rescinded by Regulation XXIII, 1814, Section II, and by Regulation XXIV, 1814, Section II: Clause III, Section XVII, Regulation VIII, 1805, is rescinded by Regulation XXIV, 1814, Section II; and instead of them, read—authorized by Regulation XXIV, 1814, Section XI, Clause I.

(k) Modified by Regulation XXVI, 1814, Section XI:—Written interrogatories, for each witness, are to be transmitted to the zillah or city judge, after being prepared and signed by the parties to them, or their vakeels, and countersigned by the judge ordering the examination; and the parties to such interrogatories, or their pleaders, who may be present with the zillah or city judge, shall be allowed to put any additional questions to the witnesses, should they appear relevant to the points at issue.

(l) See Regulation XXVI, 1814, Section XV, modifying the existing rules regarding the execution of decrees.

court

court of appeal, before which the suit may be tried in the first instance) adjudging him to be the proprietor of such land, houses, or other immovable property; he shall obtain possession thereof in execution of such decree, notwithstanding an appeal therefrom, provided he shall give good and sufficient security, for performing the decree which may be passed upon the appeal, in a sum equal to one year's produce of the property adjudged, if malgoozarry land; or ten years' produce, if the land be lakheraje; or the computed value, if it be a house, or immovable property of any other description. (m)

Third. Provided, however, that if the court, to which the appeal may be preferred in such cases, shall, in any instance, see special cause for leaving the appellant in possession during the appeal, it shall be competent to that court to order the same; requiring in such case, from the appellant, the same security as is above required to be given by the respondent.

Unless the court to which the appeal is preferred, see cause for allowing the appellant to retain possession.

Fourth. Provided further, that whether the appellant or respondent be left in possession of lands paying revenue to government, during an appeal, if the party in possession of such lands shall neglect to pay the revenue due upon the assessment; and a public sale shall in consequence be ordered to take place; the party not in possession, by payment of the revenue due, and giving the prescribed security, previously to the sale, shall be put in immediate possession; and shall be entitled to charge the amount so paid, with interest thereupon, at the rate of one per cent per mensem, in any adjustment of accounts which may be directed in the final decree upon the cause.

Provision for cases of non-payment of revenue of disputed lands during an appeal.

(m) *Construction by the Sudder Dewanny Adawlut.* 1. Whether under this clause, the Provincial Court was competent to restore an appellant to that court to possession, after possession had been given to the respondent by the zillah judge? 2. Whether a judge of the Provincial Court, sitting singly, is competent under this clause, to order possession to be restored to an appellant, under the circumstances above supposed? On the first point, the court is of opinion, that cases may arise in which the Provincial Court would be warranted in restoring an appellant to possession, after the respondent had been put in possession by the zillah or city court, in execution of its decree; as, for instance, where an appellant had regularly preferred his appeal, and tendered proper security to the zillah or city court, and moved it to suspend the execution of its decree, until the orders of the Provincial Court could be received. Should the zillah or city court, under such circumstances, proceed to execute its decree, and it should appear to the Provincial Court, that special ground existed for staying execution, and that court should further judge, that no serious inconvenience would be likely to result from again changing the possession, the Sudder Dewanny Adawlut is of opinion, that the Provincial Court would be warranted, under such circumstances, to restore an appellant to possession. The court likewise observes, that other cases might occur, in which the Provincial Court would be competent to exercise the power in question, but all of which cannot, of course, be foreseen and defined. The determination of the second point, must depend on the question, how far the application to the Provincial Court is to be considered as an appeal from the order of the court below, and the order of a single judge may involve a difference of opinion with the court below. In the case which the court has supposed, as above stated, it is of opinion, that a single judge would be competent to exercise the power of the Provincial Court, collectively; since, his ordering an appellant to be restored, would obviously involve no difference of opinion with the lower court, and the application to the Provincial Court, in such a case, would be merely for that court to exercise it's own powers, and could not be considered as an appeal from the orders of the lower court. But, supposing a case in which the zillah or city judge should have refused to stay his decree after an appeal had been regularly preferred, on the ground of the security tendered not being valid; as the single judge could not, in such a case, order an appellant to be restored without admitting the validity of the security, his ordering that measure would involve a difference of opinion with the zillah or city judge, and would, of consequence, exceed his competence.

Present rules for staying the execution of decrees during appeal, in causes for moveable property, to remain in force with following addition.

XII. *First.* The provisions contained in the preceding section not being applicable to the execution of decrees for money, or other movable property; such decrees shall be stayed, or enforced, in cases of appeal, according to the rules now established with the following addition thereto. (*n*)

What security to be given by appellants in such causes.

Second. The security to be given by appellants for staying the execution of decrees appealed from, in cases of money, or other movable property, or by respondents, when such decrees are carried into execution during an appeal, shall be sufficient, in addition to the amount or value adjudged, to cover the interest that may be expected to arise upon the amount payable under the decree, if confirmed in appeal, according to the provision for adjudging interest in such cases, made by Section III, Regulation XIII, 1796, and Section XXXV, Regulation IV, 1803.

Judges taking security in cases of appeal to be careful that it be good and sufficient.

XIII. The judges of the several courts, by which security may be taken from appellants or respondents, for performing the decrees to be passed on appeals, are enjoined to be particularly careful in ascertaining that the security received is good and sufficient; and they are required, in all cases, to cause the nazir or other officers, by whom the property of the sureties may be ascertained, to deliver in as accurate a statement as can be obtained of such property; with a full report of the inquiry made respecting it; informing him, at the same time, that he will be held responsible for any wilful misrepresentation in his statement or report. (*o*)

Measures to be adopted for this purpose.

(*n*) *Constructions by the Sudder Dewanny Adawlut.* 1. The word "empowered" used in Regulation XXIII, 1814, Section XLVI, Clause V, does not modify, as understood by the court, the general rule prescribed by this section, which is still in force. 9 *April*, 1817. 2. Under the Regulations in force, no discretionary power is vested in the courts with regard to the enforcement or staying execution of decrees, for money or other movable property in cases of appeal; and that, in such cases, the decree cannot be carried into execution during the appeal, provided the appellant give good and sufficient security under the provisions of Clause II, of this section, for performing the decision which may have been passed upon the appeal. 10 *July*, 1812. (A similar construction, as the two foregoing ones, were again given by the Sudder Dewanny Adawlut, on the 29 December, 1817.)

(*o*) See the additional rules in Regulation XXVI, 1814, Section XIII:—Sureties prohibited from transferring their rights in any movable property on which their security may have been accepted.

A. D. 1809. REGULATION I.

A REGULATION *for rendering permanent the Board of Commissioners in the Upper Provinces, and for investing that Board with certain powers in the Province of Benares.*—PASSED *by the Governor General in Council, on the 3d February* 1809, *corresponding with the 23d Maug* 1215 *Bengal era ; the 3d Phaugun* 1216 *Fusly ; the 24th Maug* 1216 *Willaity ; the 3d Phaugun* 1865 *Sumbut ; and the 17th Zeelhij* 1223 *Higeree.*

IT having been deemed advisable to render the establishment of the Board of Commissioners in the ceded and conquered provinces permanent, and likewise to invest that Board with the control of the land and sayer revenue, of the customs, and of the mint in the province of Benares, the following rules have been enacted, to be in force from the 1st March 1809; corresponding with 19th Phaugun 1215 Bengal era; 29th Phaugun 1216 Fussily; 20th Phaugun 1216 Willaity; 14th Phaugun 1865 Sumbut; and 13th Mohurrum 1224 Higeree. **Preamble.**

II. The Board of Commissioners in the upper provinces is hereby declared to be permanent. **Board of Commissioners in the upper provinces declared permanent.**

III. All the duties, powers, and authority, at present exercised under the existing Regulations by the Board of Revenue in the province of Benares, shall be transferred to the Board of Commissioners (*p*) from the 1st of the ensuing month of March. **The duties, powers, and authority of the Board of Revenue in Benares transferred to the Board of Commissioners.**

IV. All the duties, powers, and authority, at present exercised by the Board of Trade in the province of Benares, with respect to the control of the customs, in that province, shall be transferred to the Board of Commissioners (*p*) from the date specified in the preceding section. **The duties, powers, and authority of the Board of Trade with respect to the customs in Benares transferred to the Board of Commissioners.**

V. The Board of Commissioners (*p*) shall be invested from the 1st of the ensuing month of March, with a general control over the mint established at Benares. **The Board of Commissioners invested with a general control over the mint in Benares.**

(*p*) Now vested in the Commissioner appointed under Regulation I, 1815.

A. D. 1809. REGULATION II.

A REGULATION *for enabling the Commander in Chief to delegate the power of appointing General Courts Martial on native officers and soldiers of detachments form the Bengal army serving beyond sea, and for determining the number of officers necessary for the formation of such Courts Martial*—PASSED *by the Governor General in Council, on the 24th February* 1809, *corresponding with the 14th Phaugun* 1215 *Bengal era; the 24th Phaugun* 1216 *Fusly; the 15th Phaugun* 1216 *Willaity; the 10th Phaugun* 1865 *Sumbut; and the 8th Mohurrum* 1224 *Higeree.*

BY the annual Acts of Parliament for the government of His Majesty's forces, provision is made for empowering officers commanding in chief, not only to appoint courts martial, but to authorize officers under their command with certain restrictions to convene such courts, and a similar provision for the delegation of this authority is contained in the Act passed in the Twenty seventh year of GEORGE the Second, for the prevention of mutiny and desertion in the Company's forces. But this latter Act applies only to European officers and soldiers in the Company's service, and no regular provision has hitherto been made for enabling the Commander in Chief to delegate the power of appointing native general courts martial. When detachments from the Bengal army may be sent on foreign service, or to stations beyond sea, it is obviously necessary, that such a power should exist: in such cases it may frequently be difficult to procure the number of officers at present requisite for the formation of a general native court martial. In the Acts above referred to, in contemplation of the same difficulty, it is provided, that in Africa, and New South Wales, (in respect of the King's troops,) and in St. Helena (in respect of the Company's troops,) general courts martial may consist of any number of officers not less than five; but no sentence of death is to be passed unless two-thirds of the officers present, or four where the court consists of five, shall concur therein. With a view to uniformity in the law martial for the government of the native troops, the following rules are enacted by the Governor General in Council. Preamble.

II Whenever a detachment of the Bengal native troops may be on foreign service, or at Prince of Wales' Island, Fort Marlborough, Malacca, or any other part of the British possessions beyond sea, the Commander in Chief of the forces in Bengal shall have power to issue his warrant to the officer commanding in chief where such detachment is stationed or serving, authorizing him to convene native general courts martial as occasion may require. The Commander in Chief may also delegate by his Commander in Chief may issue his warrant to the commanding officers of native detachments on foreign service, or beyond seas, to convene general courts martial.

warrant

warrant to such commanding officer, either absolutely or under such restriction as he shall think fit, the power of confirming or directing the revision of the sentence of courts martial.

Of what number of native officers such courts martial shall consist, and what number to concur in a sentence of death.

III. A native general court martial shall not consist of fewer than nine native commissioned officers, subadars, or jemadars, unless such court martial be holden by virtue of a warrant from the Commander in Chief, in the situations and under the circumstances mentioned in the preceding section. In cases of general courts martial so holden, where the number of nine officers cannot in the judgment of the officer convening the same be conveniently assembled, any number of native commissioned officers, subadars, or jemadars, not less than five, shall be competent to form such general courts martial for the trial of native officers or soldiers belonging to such detachments. But no sentence of death shall be passed by such courts martial, unless two thirds of the members, or four where the court consists of five, shall concur therein.

A. D. 1809. REGULATION III (q)

A REGULATION *for the support of the police in the Cantonments and Military Bazars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars.*—PASSED *by the Governor General in Council, on the 13th March 1809, corresponding with the 2d Chyte 1215 Bengal era; the 11th Chyte 1216 Fussily; the 3d Chyte 1216 Willaity; the 12th Chyte 1866 Sumbut; and the 25th Mohurrum 1224 Higeree.*

UNDER the existing Regulations, the charge of the police in the cantonments and military bazars is vested in the magistrates and their officers. This arrangement having however been in some instances attended with inconvenience, the following rules have accordingly been passed for the more effectual support of the police in places of that description; for defining the powers of the civil and military officers in the performance of that duty, and for fixing the local limits of the cantonments and bazars. Preamble.

II. *First.* The support of the police and the maintenance of the peace within the limits of the cantonments and military bazars (which are to be fixed in the manner hereafter stated) are hereby vested in the officers commanding the troops quartered at such places. The commanding officers will accordingly adopt the necessary measures, by means of the troops under their command, for preventing as far as possible, the commission of thefts, robberries, murders, and other public crimes within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons who may at any time be guilty of any such acts.

The support of the police and the maintenance of the peace within the limits of cantonments vested in officers commanding the troops.

Commanding officers to adopt measures for preventing the commission of thefts or other public crimes, within the limits of cantonments and military bazars.

Second. Nothing contained in the preceding rule shall however be construed to authorize the commanding officers of cantonments, or the persons acting under their authority in the support of the police, to interfere with respect to assaults and petty affrays, or other offences of inferior magnitude, unless the persons guilty of those offences, shall be apprehended in the actual commission of such acts.

Commanding officers or others acting under their authorities, are not to interfere with respect to assaults and petty affrays.

(q) See Regulation XX, 1810, entitled.—A Regulation for subjecting persons attached to the military establishments to martial law in certain cases, and for the better government of the retainers and dependents of the army receiving public pay on fixed establishments, and of persons seeking a livelihood by supplying the troops in garrison, cantonments, and station-military-bazars, or attached to bazars of corps. ☞ The provisions of Regulation XX, 1810, are to be considered applicable only to those garrisons, cantonments and stations, the limits whereof have been laid down in plans approved and confirmed by the Governor General in Council; but, with regard to those garrisons, cantonments, or stations, to which it has not been found practicable to assign local limits for the purposes of Regulation XX, 1810, and until special provisions be made for them, the provisions of the present Regulation are to be considered in full force. See Regulation XX, 1810, Section XX.

Third.

Persons apprehended under the above rules, to be delivered over to the magistrate of the district, and to be proceeded against, in the manner prescribed by the general Regulations.

Third. Any person apprehended under the preceding rules in any of the cantonments or military bazars, on account of the commission of any public crime or offence, shall be delivered over with all practicable expedition to the magistrate of the district in which such cantonments or bazars are situated, and the magistrate shall proceed against the accused in the manner prescribed by the general Regulations.

Party aggrieved shall be at liberty to prefer his complaint against any individual, resident in the cantonments or military bazars, to the magistrate of the district.

Magistrates to proceed against such individuals under the general Regulations.

III. *First.* If any person shall have a charge or complaint to prefer against any individual resident in any of the cantonments or military bazars, who may not have been already apprehended by the persons entrusted therein with the support of the police, or if the charge or complaint be of a nature not to authorize those officers under Clause Second of the preceding section, to interfere in it; the party deeming himself aggrieved, is at liberty to prefer his charge or complaint directly to the magistrate, who is hereby authorized and required to proceed with respect to it under the general Regulations, in the same manner, as if the alleged crime or offence had been committed in any other part of his jurisdiction.

Magistrates may issue warrants and summonses against any person residing in the cantonments.

Commanding officers on special application or otherwise required to afford protection to the officers of the civil authority, in the discharge of the duties entrusted to them.

Second. Under the foregoing clause, the magistrates are of course empowered to issue their warrants and summonses against any persons residing in the cantonments and military bazars, in the same manner as if such persons resided in any other part of their jurisdiction; and the commanding officers of stations are hereby required to afford every protection to the officers of the judges, magistrates, and justices of the peace, in the discharge of the duty entrusted to them, whether any special application shall have been made to them for such aid or support, or otherwise.

Limits of cantonments and military bazars, to be fixed by commanding officers in concert with the magistrate of the district.

Commanding officer to submit a report upon the local limits of the cantonments, with any remarks from the magistrate of the station, for the final orders of government.

IV. On receipt of this Regulation, the limits of the cantonments including the military bazars attached thereto, at which any division or corps of the army, or any considerable detachment not being less than half of a battalion, may be quartered, shall be fixed by the commanding officer in concert with the magistrate. The commanding officer at each of those stations will accordingly submit to government, through the usual channel, as soon as circumstances may conveniently admit, a report framed in concert with the magistrate of the district in which the cantonments may be situated, upon the local limits of the cantonments, forwarding at the same time any separate remarks which the magistrate may wish to make on the subject, for the final orders of the Governor General in Council.

The above rules to be considered applicable to all cantonments

V. The above rules shall be considered applicable to all cantonments, in which any considerable body of the troops not being less than half a battalion is quartered, whether the cantonments be situated at the place of residence of the judge and magistate, or in any other part of the district.

A. D. 1809. REGULATION IV.

A REGULATION *for rescinding Regulations IV and V. 1806; and for substituting rules in lieu of those enacted in the said Regulations for levying duties from the pilgrims resorting to Juggunnauth, and for the superintendence and management of the affairs of the temple.*—PASSED *by the Governor General in Council, on the 28th April 1809; corresponding with the 17th Bysaak 1216 Bengal era; the 28th Bysaak 1216 Fusly; the 18th Bysaak 1216 Willaity; the 13th Bysaak 1866 Sumbut; and the 12th Rubbee-ul-awul 1224 Higeree.*

Preamble.

WHEREAS it has appeared that the rules at present in force for levying duties from the pilgrims resorting to Juggunnauth, and for the superintendence and management of the affairs of the temple, have been in some respects attended with difficulty and inconvenience, the Governor General in Council, with a view to afford every facility to the different classes of Hindoos, in the performance of their religious ceremonies, and with a view to the better management of the internal affairs of the temple, has been pleased to rescind Regulations IV and V, of 1806, and to substitute the following rules in lieu of them; and whereas under the existing rules, respecting persons exempted from the payment of the tax, frauds have been committed by persons professing themselves to be carriers of the water of the Ganges, and by persons resorting to Juggunnauth under the pretext of purposes other than that of pilgrimage, the Governor General in Council has been pleased to make further provision for the prevention of such frauds in future. The following rules therefore are enacted, and they are to have effect from the date of the promulgation of this Regulation.

The superintendence of the temple, the conduct of its affairs, and the controul over the several persons attached to it, vested in the rajah of Khoordah.

II. *First.* The superintendence of the temple of Juggunnauth, and its interior economy, the conduct and management of its affairs, and the controul over the priests, officers, and servants attached to the temple, are hereby vested in the Rajah of Khoordah, who on all occasions shall be guided by the recorded rules and institutions of the temple, or by ancient and established usage.

The rajah and his successors to continue in charge so long as they shall continue to act with propriety.

Second. The Rajah of Khoordah, and his successors, shall hold the charge vested in them by the above clause, so long as they shall continue to conduct themselves with integrity, diligence and propriety; but nothing contained in this Regulation shall be construed to preclude the Governor General in Council, from removing the present Rajah, or any of his successors from the superintendence of the temple, on proof of misconduct in such person, made to the satisfaction of government.

Third.

The superintendant empowered to punish persons subject to his controul, and to what extent.

Third. To enable the superintendant of the temple to perform the duty of his station with efficiency, he is hereby authorized to punish persons subject to his control, for any instance of neglect or misconduct, by imposing small fines upon them, not exceeding one month's salary, or income, or by removing the offender (if not one of the three head purchas) from his office, if the offence shall appear to merit that punishment. The amount of any fines imposed under this clause, are to be carried to the account of government by the suttaishuzzarry purcha.

The three dewul purchas to be appointed by the collector, subject to the confirmation of government, but to act under the orders of the superintendant.

III. *First.* The three dewul purchas are to be appointed by the collector of Cuttack, subject to the confirmation of government, and they are not to be removed from their offices, without the sanction of the Governor General in Council. (r) These officers however, are to execute the functions of their offices under the directions of the Rajah, and they are required to obey his orders punctually.

How they are to act in the event of any orders of the superintendant being inconsistent with the rules and usages of the temple.

Second. In the event however, of any orders being issued by the Rajah, inconsistent with the recorded rules and institutions of the temple, or with its ancient and established usages, it shall be the duty of the purchas to represent the circumstances of the case to the collector of the tax, for the final orders of the Governor General in Council, if it should appear on enquiry that the interposition of government is necessary for the restoration of good order, and the prevention of disputes and irregularities.

The third dewul purcha to act as suttaishuzzarry purcha, and to give an account to the collector of all offerings and presents.

IV. The third dewul purcha shall execute the duty of suttaishuzzarry purcha, and it shall also be his duty to give an account to the collector of the tax, of all offerings and presents made to the idol.

A tax to be levied as heretofore on the pilgrims, the collection of which to be vested in a collector, under the authority of the collector of Cuttack, and the general superintendence of the Board of Revenue.

V. A tax shall be levied on the part of government (as was heretofore done under the late Marhatta government, and as has also been done under the British government since the conquest of the province of Cuttack) on pilgrims resorting to the temple of Juggunnauth. The collection of the tax shall be entrusted to an officer with the official designation of the collector of the tax on pilgrims. But that officer is to be subject to the authority of the collector of Cuttack. The general superintendence of the collections, and the controul of the officers employed in the performance of that duty, shall be vested in the Board of Revenue at Fort William.

The avenues for the admission of pilgrims confined to two.

VI. The avenues for the admission of pilgrims shall be confined to two, viz. ghaut Attarrah nullah on the north, and ghaut Lokenauth on the south-west of the town of Juggunnauth Poory.

Classes of pilgrims liable to the tax.

VII. *First.* The pilgrims liable to the tax shall be divided into four classes, as follows:

(r) Are the appointments or removals of the three dewul purchas subject to the provision made in Regulation VIII, 1809, Section X, Clause III?

First

First class, or laul jatries.

Second class, or nimm lauls.

Third class, or bhurrungs.

Fourth class, or punj tirthees, comprehending the following descriptions of persons of low cast who are not permitted to enter the temple:—(s)

1 *Lolee or kushee.*
2 *Cullal or soonree.*
3 *Machoowa.*
4 *Numosooder or chandal.*
5 *Ghooskee.*
6 *Gazur.*
7 *Baugdee.*
8 *Joogee, or noorbauf.*
9 *Kahar bawry and doolia.*
10 *Raujbunsee.*
11 *Peerally.*
12 *Chamar.*
13 *Dhome.*
14 *Paun.*
15 *Teor.*
16 *Bhooinmalee.*
17 *Haddee.*

Rates of tax payable [by] the different classes.

Second. The following are the rates of tax payable by the different classes:—

Pilgrims of the first class coming from the north and passing the Autarrah nullah ghaut, to pay a tax of ten rupees; and coming from the south and passing Lokenauth ghaut, six rupees.

Pilgrims of the second class coming from the north and passing the Autarrah nullah ghaut, to pay five rupees; and coming from the south and passing Lokenauth ghaut, three rupees.

Pilgrims of the third class whether coming from the north or south, and passing either of the ghauts, to pay two rupees.

Pilgrims of the fourth class passing either of the ghauts, to pay two rupees.

Rules as to the time a [pilgr]im of the first class [is t]o be allowed access [to th]e temple, and how [the] period may be ex[ten]ded.

Third. A pilgrim of the first class is to be allowed free access to the temple during thirty days, and he is to be attended by a purharree or punda, at all times he may enter the temple. But if he should wish to be exempted from the atten-

(s) A revised list of the description of persons coming within the fourth class of pilgrims, in place of the one given in this Clause, will be found in Regulation XI, 1810, Section V.

dance

dance of those officers, by the payment of a further sum of ten rupees to the collector, and by the surrender of his pass, he shall be entitled to a purwannah authorizing him to visit the temple, at all times when the gates are open, whether attended by a purharree or punda, or otherwise; and he shall further be allowed to perform his religious ceremonies for an unlimited time, so long as he may wish to remain in the town.

Rules as to the time a pilgrim of the second class is to have admission.

Fourth. A pilgrim of the second class who may visit the temple at the time of the Ruth Jattrah, shall be allowed access to the temple during ten days. But if he should visit the temple at the time of the Dole Jattrah, or at any other period of the year, excepting at the time of the Ruth Jattrah, he is to be allowed access to the temple for a period of seven days only, and he must be at all times attended by a punda or purharree, when visiting the temple.

Rules as to the third class.

Fifth. A pilgrim of the third class shall be allowed access to the temple at the time of the Ruth Jattrah, during five days; but at any other time he will only be allowed to visit the temple during four days, and he must be attended by a punda or purharree on all occasions.

Rules as to the fourth class.

Sixth. A pilgrim of the fourth class shall be allowed to perform the customary ceremonies without the temple, during sixteen days, attended by the baut peeada of the collector of tax at Juggunnauth.

All persons allowed the option of enrolling themselves in the class they prefer.

Seventh. It shall be optional to all descriptions of persons entitled to visit the interior of the temple, to enrol themselves under whichever class they may prefer, on payment of the prescribed rate of tax.

Printed certificates to prepared, and where be procured.

VIII. *First.* With a view to facilitate access to the temple, and to remove all difficulties from the way of the pilgrims passing the ghauts, printed certificates shall be prepared, which shall be procurable on the payment of the fixed tax, at the offices of the secretary to the Board of Commissioners (*t*) and the secretary to the Board of Revenue, the collectors of Cuttack, and Ganjam, and at the two ghauts.

Second. The following are the forms of the certificates to be granted to the different pilgrims:

FORM No. 1.

Form No. 1.

"A. B. inhabitant of ——— in the district of ———, having this day paid into this office, the sum of sicca rupees ———, is entitled to pass through the ———

(*t*) Which Board of Commissioners is here alluded to? Whether that constituted by Regulation VI, 1808, Section V, or that by Regulation X, 1807? The former is abolished by Regulation IV, 1810. If the Board of Commissioners for the Upper Provinces be alluded to; then, probably, the certificates mentioned in this clause, may also be procurable on the payment of the fixed tax, at the office of the secretary to the Commissioner in Behar and Benares, appointed under Regulation I, 1816.

ghaut,

ghaut, without further interruption, as a laul jauttree, or pilgrim of the first class, to the cutcherry of the collector of tax at Juggunnauth. On producing this certificate to the said collector, he is further entitled to receive a pass, and to have access, to the temple during thirty days.

Names or designation of attendants.	Amount of tax paid by them respectively.	Period for which they are to visit the temple.

FORM No. 2.

" A. B. inhabitant of ——— in the district of ——— having this day paid into this office the sum of sicca rupees ——, is entitled to pass through the ——— ghaut, without further inturruption, as a nimm laul, or pilgrim of the second class, to the cutcherry of the collector of tax at Juggunnauth. On producing this certificate to the said collector, he is further entitled to receive a pass, and to have access to the temple during ten days, at the time of the Ruth Jattrah, or during seven days at any other period." Form No. 2.

FORM No. 3.

" A. B. inhabitant of ———, in the district of ———, having this day paid into this office, the sum of sicca rupees two, is entitled to pass through the ——— ghaut, without further interruption, as a bhurrung, or pilgrim of the third class, to the cutcherry of the collector of tax at Juggunnauth. On producing this certificate to the said collector, he is further entitled to receive a pass, and to have access to the temple during five days, at the time of the Ruth Jattrah, or during four days at any other time." Form No. 3.

FORM No. 4.

" A. B. inhabitant of -, in the district of - -, having this day paid into this office, the sum of sicca rupees two, is entitled to pass through the ——— ghaut, without further interruption, as a punj tirthee, or pilgrim of the fouth class, to the cutcherry of the collector of tax at Juggunnauth. On producing this certificate to the said collector, he is further entitled to receive a pass, and to perform the customary ceremonies without the gates of the temple during sixteen days. Form No. 4.

Third. In case a pilgrim of the first class, may be desirous of visiting the temple with his family and attendants, such family and attendants not exceeding twenty Rules as to the families or attendants of pilgrims.

ty persons, will be admitted to remain in the town so long as their master does, provided they shall in the first instance pay the prescribed tax, either as bhurrungs or nimlolls, but they will not be allowed to enter into the temple for a longer period of time, than they may be respectively entitled to, in consideration of the tax paid by them: in cases therefore where a pilgrim may be desirous of having his attendants, and family, allowed to remain with him, as long as he remains himself, the tax for such persons, either as bhurrungs or nimlolls, must be paid at the time he takes out his own certificate, and the officer furnishing the certificate is to state the names, or designation of the family and attendants; the tax paid on account of each of them; and the number of days during which they will respectively be allowed to perform their religious ceremonies; and such persons shall be allowed to remain in the town as long as their master does.

Certificates how to be attested and filled up.

Fourth. The certificates shall be dated and attested with the official seal and signature of the officer granting them, who shall also fill up the blank spaces with the name of the pilgrims (or if female, her designation) the place of his (or her) habitation, the rate of the tax, and in the instance of pilgrims of the two first classes, the name of the ghaut, through which they will pass.

Pilgrims to be allowed to pass the ghauts without interruption on producing their certificates.

IX. On the production of a printed certificate, signed and sealed in the manner prescribed, the pilgrim is to be allowed to pass the ghauts, and no interruption is on any account to be given to him by the darogah, or officer stationed at the ghauts.

Darogahs impeding such pilgrims, liable to be fined and dismissed.

X. *First.* If it shall be established that any pilgrim holding a certificate regularly signed and sealed by an officer entitled to grant such certificate, shall be impeded from entering the ghauts, or unnecessarily delayed at them, the darogah at the ghaut shall be liable to be fined in a sum not exceeding his salary for three months, and also to be dismissed from his office.

Darogahs how to be punished for slight offences.

Second. In cases of slight offences, the collector of Juggunnauth is empowered to levy a fine from the darogah, not exceeding his salary for one month, but if the collector should deem the offence deserving of a greater punishment, he is to report the circumstances to the Board of Revenue, who if they think proper, are competent to impose a fine, not exceeding three months' salary, and also to order the darogah to be removed from his office.

The collector of Juggunnauth to superintend the conduct of the darogahs.

Third. It is to be the particular duty of the collector of Juggunnauth to superintend the conduct of the darogahs at the ghauts, and to take special care that the pilgrims are not impeded, delayed, or molested in any manner.

Licenses to be granted by the collector on the receipt of the certificates of the pilgrims.

XI. *First.* On the pilgrims having passed the ghauts, those of the first, second, and third classes, are to apply to the collector of Juggunnauth for a license

of

of access to the temple, and it shall be the duty of the collector, on the receipt of the certificate from the pilgrims, to grant to them a license according to the following forms :—

" A. B. inhabitant of ——, in the district of ———, is entitled to perform the customary ceremonies under charge of ——, during ——— days, that is to say, from the ——— of the month of ———, until the ——— day of the month of ———, and for that period you will afford to the holder hereof free access to the temple of Juggunnauth. At the expiration of the period granted, you will return this license into the office of the collector of tax."

Form for the 1st, 2d, and 3d classes.

A license of the form following will be granted by the collector of tax, on the receipt of a certificate from a pilgrim of the fourth class, addressed to his nazir.

Form for the 4th class.

FORM OF LICENSE.

" A. B. inhabitant of ———, in the district of ———, is entitled to perform the customary ceremonies without the temple gates under charge of ——, baut, peeada, during ——— days, that is to say, from the ——— of the month of ———, to the ——— day of the month of ———, at the expiration of which period, this license shall be returned into the office of the collector of tax."

Second. The blank spaces of the licenses of access to be filled up with the name of the pilgrim, the place of habitation, the name of the punda or purharree in the first license, or of the baut peeada in the second, and the dates of the commencement, and expiration of the period granted.

How the blank spaces are to be filled up.

XII. As in case of sickness a pilgrim may be prevented from performing his religious ceremonies during the number of days allowed to him, it might operate as a hardship if such person were compelled to quit the town immediately after the expiration of the prescribed time. The collector of the tax therefore shall in such cases be competent to extend the period, for such further time as may be deemed reasonable by him. The collector however is of course to observe due caution in the exercise of this authority.

Rules in cases of sickness of pilgrims during the time allowed in the certificates.

XIII. As it is an important consideration to the pilgrims to visit the temple as soon after they shall have passed the ghauts as possible, the collector of Juggunnauth shall be particularly careful to grant the licenses without delay. He is therefore required to have a sufficient number of blank licenses prepared, in order that no time may be lost in passing the pilgrims into the temple. It is further provided that the collector shall not require the attendance at his cutcherry, of any person desiring to change his certificate for a license, particularly in the instance

Rules for preventing delay in issuing the licenses to pilgrims surrendering their certificates.

stance of females. The production and surrender of the certificate or certificates at the collector's cutcherry, by any one person of the family, or by any other person who may be employed to take out the necessary licenses, shall be sufficient to authorize the collector to grant the necessary licenses in the names, or designation, of the persons specified in the certificates.

Register of licenses to be kept, and rules as to the return of such licenses by the pundahs &c.

XIV. The collector of tax at Juggunnauth, shall keep a register of all licenses granted by him, insert the dates of, and the periods for, which they may be in force, which will enable him to ascertain at all times whether any punda or purharree shall have neglected to return the license into the office as required. It shall be the duty of every punda or purharree, to return the licenses of the pilgrims under his charge, on the expiration of the period for which they have been granted, in default whereof, the punda or purharree shall be subject to such fine as on consideration of the circumstances of the case, the collector of the tax may deem necessary: the amount of the fine shall in no case exceed the amount of tax paid by the first class of pilgrims.

Rules as to the return of licenses of the 4th class by the baut peeada.

XV. The baut peeadas shall return the licenses of the fourth class or punj tirthees, on the date of their expiration, in default whereof the collector of the tax shall dismiss the offender from his office, or impose a moderate fine in no case exceeding the amount of one month's salary.

Pilgrims may be removed when the license of access shall be retained beyond the prescribed period.

XVI. *First.* When any pilgrim (not being a laul jattrie) shall retain his license of access beyond the period of its expiration, and shall continue to reside in the town, the collector of the tax may cause the removal of the pilgrim in the following manner.

Mode of proceeding in such cases.

Second. On application from the collector of the tax, it shall be the duty of the police darogah, to apprehend and expel from the town, such persons as shall be pointed out to him by the collector of the tax, or the officers acting under his direction. The darogah shall report to the magistrate the manner in which he may have complied with the application of the collector in his monthly reports.

Collector may in certain cases comply with applications of pilgrims for permission to remain in the town.

XVII. When any pilgrim of the first class, (who shall not have obtained a perwannah authorizing him to perform his religious ceremonies for an unlimited time) shall be desirous of remaining in the town beyond the fixed period, he shall make application to the collector for permission to remain with his attendants, and the collector shall comply with the application, provided that no circumstances should render a compliance with it objectionable: if any such circumstance should occur to the collector, he is to make an immediate report of the case to the Board of Revenue, who, if they see reason, shall be competent to order the expulsion of the pilgrim from the town. But it is further declared, that such pilgrim shall not be authorized to enter the temple during the further period which may be allowed to him.

XVIII.

Description of persons exempt from payment of the tax on pilgrims.

XVIII. *First.* In conformity to long and established usage, the following descriptions of persons shall be considered to be exempt from the payment of the tax on pilgrims at Juggunnauth, viz. byraghies, sonassees, dundies, burmacharies, mohunts, gosains, khommurees and nagas, persons born within the Byturnee nullah, and the Ganjam river, or who may have resided with their families for a period of ten years, within the above limits; persons employed in carrying the water of the Ganges to Juggunnauth, and actually pouring the water over the idol at Lokenauth; and persons resorting to the town of Juggunnauth Pooree for trade, or any other purpose excepting on pilgrimage. (v)

Rule as to persons professing to be carriers of the Ganges water.

Second. A person professing himself to be a carrier of the water of the Ganges, is to be allowed to pass the Attarrah nullah ghaut; but he is to be placed under the charge of a punda or purharree who is to attend him to Lokenauth, and to see him pour the water over the idol there, before he will be admitted to perform his religious ceremonies within the temple. In the event of his not performing that ceremony, he is either to be expelled from the town, or to be subjected to the payment of the tax.

Persons resorting to Juggunnauth for trade &c. admissible without the payment of tax, except at a certain period.

XIX. With respect to persons resorting to Juggunnauth, for the purpose of trade, or any other purpose but that of pilgrimage, they are to be admitted to pass the ghauts without the payment of the tax, at all times of the year, excepting for twelve days from the commencement of the Ruth Jattrah. During that time no person excepting such as may be exempted as kungals, or carriers of the water of the Ganges, or on account of their resideuce, or religious cast, shall be admitted within the ghauts without the payment of the tax.

Persons taking up their fixed residence in the town exempted from payment of the tax.

XX. A person intending bonâ fide to take up his residence within the town for the remaining period of his life, shall also be exempted from the payment of the tax, provided the collector shall be satisfied that he has not the means of paying any tax.

All other persons to pay the tax.

XXI. *First.* All persons, including native civil and military officers and sepoys, not coming within the description of persons exempted by the foregoing rule, are hereby declared subject to the payment of the tax, in common with all other Hindoos. (u)

Rules as to troops marching through the town.

Second. In the event of the march of troops on service through the town of Juggunnauth Pooree, their passage must necessarily be facilitated, but no de-

(v) Modified by Regulation XI, 1810, Section IV, as far as respects the exemption from the payment of the tax by persons born or residing within certain limits.

(u) Modified by Regulation XI, 1810, Sections II and III:—All native military officers and sepoys actually on duty within the limits of the Attarah nullah and of Lokenauth ghaut, or attached to corps or detachments marching on service through the town of Juggunnauth-pooree, as also the servants of European officers on duty at Juggunnauth, and actually residing with their masters within the said limits, are entitled to exemption from the payment of the tax levied from pilgrims resorting to Juggunnauth, subject to certain restrictions.

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tachment or body of troops shall be permitted to halt within the town of Juggunnauth Pooree. The commanding officer shall be required to furnish the collector of the tax, with a list containing the names of those native officers or sepoys, who may be desirous of visiting the temple. The collector shall issue the necessary instructions for the admission of all such native officers and sepoys, into the town, for the purpose of making the requisite application for licenses of access, which shall be granted under the foregoing rules, by the collector, on the receipt of the prescribed tax. (w)

Rules as to pilgrims in a state of poverty, or kungals.

XXII. Pilgrims in an actual state of poverty, or kungauls, on declaring under such form or ceremony as shall be prescribed by the native officers entrusted with the management of the temple, that they are not possessed of two rupees, and are unable to contribute the prescribed tax, shall be entitled to licenses of access to the temple under the charge of a punda or purharree, during three days. On the following day, the punda or purharree shall return the licenses to the office of the collector of the tax, in the manner and under the penalty for default prescribed by Section XIV.

Collector to pay attention to the religious opinions of the Hindoos.

XXIII. The collector of the tax on pilgrims at Juggunnauth, is required at all times, to give every attention to the religious opinions of the Hindoos, and to the particular institutions of the temple of Juggunnauth, which may be consistent with the general Regulations and with the maintenance of peace and good order at the temple, and its vicinity; and he shall on no account suffer his peons or ministerial officers to enter the precincts of the temple.

(w) Modified by Regulation XI, 1810, Section II. See the last Note.

A. D. 1809. REGULATION V.

A REGULATION *to provide in certain cases for the trial of native subjects of the British government, who may be charged with crimes or misdemeanors committed in places out of the limits of the British provinces.*—PASSED *by the Governor General in Council, on the 6th of June 1809; corresponding with the 25th Jeyte 1216 Bengal era; the 8th Assar 1216 Fusly; the 26th Jeyte 1216 Willaity; the 9th Assar 1866 Sumbut; and the 21st Rubbee-us-sanee 1224 Higeree.*

Preamble.

WHEREAS under the existing laws, native subjects of the British government, are not amenable to the established criminal courts for crimes, or misdemeanors committed in places out of the limits of the British provinces; and whereas, the purposes of justice require, that provision should be made for supplying this defect; the following rules have been enacted, to be in force throughout the British territories immediately subject to the government of the presidency of Fort William, from the date of their promulgation. (*x*)

How magistrates are to proceed against native subjects found within their jurisdiction in cases of serious offences committed without the limits of the British provinces.

II. *First.* Whenever a native subject of the British government shall be charged with murder or homicide of any sort, rape or other great personal violence, robbery, burning of houses, or violent affrays, or any other serious offence, committed in any place out of the limits of the British provinces; either against the subjects of the British government, or any other persons, and shall be found in any part of such provinces; the magistrate of the city or zillah, in whose jurisdiction the accused person may be found, on the charge against him being deposed to on oath, or under a solemn declaration, either by the complainant, or by some other credible person, as required by Section IV, Regulation IX, 1807, shall issue process for apprehending or summoning the party accused, under the provisions of that Regulation; and, on his attendance, shall make such inquiry into the charge, as the circumstances of the case, and the evidence attainable may admit of; after which he shall report his proceedings to the Governor General in Council.

Rules as to the commitment or holding to bail in such cases.

Second. In such cases the magistrate shall commit the prisoner or hold him to bail according as the nature of the charge in ordinary cases would require; in cases

(*x*) Extended to the portion of lands constituting the Jaghire of the late Killadar of Calenger, annexed to the zillah of Bundlecund, by Regulation XXII, 1812, and to the Purgunnah of Handya, annexed to the zillah of Allahabad, by Regulation XVIII, 1816, subject to certain provisions. The territories and Jaghires situated on the borders of the zillah of Bundlecund, belonging to several Bondeelah Chiefs, and the tract of land situated near the town of Teroha, in that zillah, granted as an independent Jaghire to his Highness Amrut Rao, are exempt from the operation of the general Regulations; the former by Regulation XXII, 1812, the latter by Regulation VII, 1816. See Regulation VIII, 1813, which explains to what classes of persons the provisions of this Regulation should be considered applicable.

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of commitment the form shall specify until the orders of government shall be received, and in cases of bail, the form of the bail bond shall be in the first instance to appear before the magistrate on a certain day assigned (leaving time for the receipt of the orders of government) and on such subsequent days as the magistrate shall require. Should government in the latter case direct the accused to be brought to trial, the magistrate shall cause the bail bond to be renewed in the ordinary form to appear and take his trial at the court appointed for that purpose.

Governor General in Council competent to direct such persons to be brought to trial before any of the established criminal courts.

III. In cases referred under the preceding section, as well as in all cases of the like nature, which may, in any manner, come before the Governor General in Council, if it appear proper that the prisoner should be brought to trial for the offence imputed to him; the Governor General in Council, shall be competent to direct that the prisoner be brought to trial before any of the established courts of criminal judicature within the British provinces, which he may be pleased to appoint: and the special order of the Governor General in Council for the purpose shall be deemed full and sufficient authority for the trial, and punishment of such prisoner by the court so appointed; as well as by the court of Nizamut Adawlut, if the case be referrible, under the Regulations in force, to that court.

Such trials to be conducted, and sentences passed in conformity with the general Regulations for the trial of offences in ordinary cases.

IV. Whenever a native subject of the British government shall be brought to trial, before any of the established courts of criminal judicature under the provisions of this Regulation, the trial shall be conducted, and sentence thereupon passed and carried into execution, under the general Regulations in force in like manner as if the offence had been committed within the British territories and the case subject, to the ordinary jurisdiction of those courts.

A. D. 1809. REGULATION VI.*

A REGULATION *for providing more effectually against the illicit cultivation of the poppy, in the provinces of Bengal, Behar, Orissa, and Benares, and for extending to certain native officers employed by the opium agents, the provisions contained in Section X, Regulation XXXI,* 1793, *and Section IV, Regulation IX,* 1801. —PASSED *by the Governor General in Council, on the 4th of August* 1809; *corresponding with the 21st Sawun* 1216 *Bengal era; the 9th Sawun* 1216 *Fusly; the 22d Sawun* 1216 *Willaity; the 9th Sawun* 1866 *Sumbut; and the 21st Jemaud-us-sanee* 1224 *Higeree.*

Preamble.

WHEREAS the provisions contained in Regulation VI, 1799, for preventing the illicit cultivation of the poppy, have not been found effectual: And whereas the branch of the public resources arising from the exclusive privilege reserved by government of manufacturing opium, is liable to be materially injured by the continuation of such illicit cultivation: and whereas the provision of opium is exposed to injury, from certain native servants employed under the opium agents being required to quit their stations in consequence of suits or charges of a bailable nature being instituted against them; the Governor General in Council, with a view to obviate the inconveniences abovementioned, has been pleased to enact the following Regulation, to be in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of its promulgation.

Section XV, Regulation VI, 1799, rescinded.

II. Section XV, Regulation VI, 1799 is hereby rescinded.

Provisions in Sections III, IV, V, VI, VII, VIII and XVI, Regulation XLI, 1803, extended to the lower provinces.

III. The provisions contained in Sections III, IV, V, VI, VII, VIII and XVI, Regulation XLI, 1803, are hereby extended to the provinces of Bengal, Behar, Orissa, and Benares.

Certain provisions in Section X, Regulation XXXI, 1793, and in Section IV, Regulation IX, 1801, extended.

IV. The provisions contained in Clauses Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth, of Section X, Regulation XXXI, 1793, and Section IV, Regulation IX, 1801, are hereby extended to the undermentioned native officers employed under the agents for the provision of opium.

The Dewan,
Naib Dewan,
Cash-keeper,
Mohurrers,
Nagree Writers,
Nazir,
Godown Keeper,

} At the head station.

* The whole of this Regulation is rescinded by Regulation XIII of 1816.

Gomastahs

Gomastahs of Cooties,
Cash-keepers ditto,
Mohurrirs ditto,
Purkias,
Dandidars.

A register of officers enumerated in the preceding section to be made and transmitted to the magistrate of the district.

V. A register of the names and stations of the officers enumerated in the preceding section shall be formed, and a copy of such register in the native languages shall be transmitted once in every year to the judge and magistrate of the zillah in which such officers reside. It shall also be the duty of the agents to keep the judge and magistrate informed of any intermediate changes of those officers.

A. D. 1809. REGULATION VII.*

A REGULATION *for modifying certain parts of the existing Regulations respecting the duties leviable by means of stampt paper.*—PASSED *by the Governor General in Council, on the 4th August 1809; corresponding with the 21st Sawun 1216 Bengal era; the 9th Sawun 1216 Fusly; the 22d Sawun 1216 Willaity; the 9th Sawun 1866 Sumbut; and the 21st Jemaud-us-sanee 1224 Higeree.*

WHEREAS inconvenience has been experienced from the complex manner in which the duty on certain descriptions of stampt paper is realized: and whereas it has been deemed advisable to discontinue the duty levied at present by these means on rowannahs or custom house passes; on the sunnuds to cauzees and to the vakeels of government, and on licenses for the manufacture and sale of spirituous liquors, tauree, and intoxicating drugs; the following rules have been enacted, to be in force from and after the periods hereafter specified. Preamble.

II. Such parts of Sections II, X, and XI, Regulation XIII, 1806, and Section IV, Regulation VIII, 1807, as require all stampt paper to be endorsed with the written official signature of the superintendant of stamps, or other authorized officer under him, are hereby rescinded from the present date. Provided however that such rescission shall not be construed to prevent the sale of any stampt paper already issued, or which may have already received the authentication of the superintendant, or his covenanted assistants, until the 1st of January 1810. Rules which require the signature of the superintendant or his officers to all stampt paper, rescinded.

III. *First.* Such parts of Sections XVI, XVIII, and XX, Regulation VI, 1797; Sections VI, and VII, Regulation X, 1797; Sections XXIII, and XXV, Regulation VII, 1800; together with Sections XV, and XXIII, Regulation XLIII, 1803, extended to the conquered provinces by Section XXVII, Regulation VIII, 1805, as prescribe different sorts of stampt paper; that is, paper bearing different stampt impressions for law papers; copies of judicial papers; copies of revenue papers, complaints punishable by the magistrates; and petitions or applications to the Board of Revenue or collectors, are hereby rescinded. The sheets or rolls to be used for any of those purposes shall bear only one impression of such size as may be determined by the Board of Revenue as follows: Rules which direct different sorts of papers to be used for certain different purposes, rescinded.

Law etcætera papers, eight annas.

Second. Under the rule contained in the latter part of the preceding Section, the stampt paper already issued or prepared for the different instruments and papers above specified, will of course continue to be used until the 1st of January 1810, when the Such rescission not to affect the sale of stampt paper now prepared until the 1st January 1810.

* The whole of this Regulation is rescinded by Regulation I, of 1814.

rule

rule contained in the foregoing clause of this section, shall be considered to be in full force and effect.

Rowannahs or custom house passes not required to be written upon stampt paper in future.

IV. Such parts of the existing Regulations as require that rowannahs or custom house passes shall be written on stampt paper, are hereby rescinded; such rowannahs or passes shall in future be written on common paper, subject of course to the payment of such duty as has been, or may be established by government. This rule shall be considered to be in force from the period of the promulgation of the present Regulation, throughout the provinces immediately dependent on the Presidency of Fort William.

Abkarry licenses not to be written upon stampt paper after certain periods.

V. *First.* Such parts of the existing Regulations as require, that the licenses to the manufacturers and venders of spirituous liquors, tauree and intoxicating drugs, shall be written on stampt paper, shall cease to be in force from and after the following periods:

In the province of Bengal, on the 11th April 1810, corresponding with the 31st Chyte 1216 Bengal era.

In the province of Orissa, on the 19th September 1809, corresponding with the 6th Assin 1216 Willaity.

In the provinces of Behar, Benares, and in the ceded and conquered provinces on the right and left banks of the river Jumna, and in the zillah of Bundlecund, from the 23d September 1809, corresponding with the 29th Assin 1216 Fusly.

Such licenses to be written on plain paper, but to be subject to such duties as may be established.

Second. At the expiration of those periods respectively, the licenses for the manufacture and sale of spirituous liquors, tauree and intoxicating drugs, shall be written on *plain or common* paper; subject of course to the payment of such daily tax as has been or may be established by government.

Sunnuds for cauzees and authorized vakeels to be written on plain paper, and not subject to any duty in future.

VI. Such parts of the existing Regulations as require, that the sunnuds to the cauzees and authorized vakeels of the civil courts, shall be written on stampt paper, are hereby rescinded; such sunnuds shall from and after the promulgation of this Regulation, be issued on common paper, and no duty shall in future be levied thereon.

Applications of the collectors to the courts of justice for the confinement or apprehension of defaulters, &c. to be written upon plain paper.

VII. The rules contained in Section XVII, Regulation VI, 1797, are hereby declared not to be applicable to cases of applications made by the collectors to the courts of judicature under Section V, Regulation XIV, 1793, and Clause Second, Section XXIII, Regulation VII, 1799; and the judges shall in future receive all applications of the collectors either for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue written upon common paper without a stamp. Provided however that this rule shall not be considered applicable to any regular suits in which the collectors may be engaged as plaintiffs or defendants, either on their own account as individuals, or on the part of government.

A. D. 1809. REGULATION VIII.

A REGULATION *for modifying parts of the rules in force, respecting the appointment and removal of the native officers of Government, in the Judicial, Revenue and Commercial Departments.*—PASSED *by the Vice President in Council, on the 29th August 1809; corresponding with the 15th Bhadoon 1216 Bengal era; the 4th Bhadoon 1216 Fusly; the 16th Bhadoon 1216 Willaity; the 4th Bhadoon 1866 Sumbut; and the 17th Rajub 1224 Higeree.*

UNDER the rules prescribed by Regulation V, 1804, the confirmation of the appointment, resignation and removal of the principal ministerial native officers, employed in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the zillah and city civil courts, and the courts of the magistrates in the several zillahs and cities, as well as of the principal native officers employed under the Boards of Revenue and Trade, the collectors of the revenue and customs, the commercial residents and agents, and the agents for the provision of salt and opium, is reserved to the Governor General in Council; to whom is also reserved the confirmation of the appointment, resignation and removal of the law officers of the several courts of justice; the cauzy-ul-cuzaut, and the cauzies of the several cities, towns and purgunnahs, the keepers of the records of the courts of judicature and collectorships; the police darogahs, and the other principal officers of the police. It is at the same time required by Section VI, of the Regulation abovementioned, that whenever the authorities specified, may see cause for the removal of any of the native officers in question, they shall, after communicating to such officer the grounds upon which he may be considered undeservin of continuance in his station, and calling upon him to state what he may have to offer in his defence, transmit through the prescribed channel of public correspondence, to the Governor General in Council, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer accompanied by a copy and translation of any proceedings or documents referred to in the report, which may be material to the case, and appear necessary for the full information of the Governor General in Council: a similar mode of proceeding is directed with respect to other descriptions of native officers, the confirmation of whose appointment, resignation, and removal is left to the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut; or to the Board of Revenue or Board of Trade. The observance of these rules has been found to occasion Preamble.

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sion considerable labour, and occupation of time, in the public offices, to the interruption of other business of importance, and it is considered that the object of them, stated in the preamble to Regulation V, 1804, may be effectually attained, with some modification of the requisition for a full report of proceedings, by transferring to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the provincial courts of appeal and circuit, to the Boards of Revenue and Trade, and to the Board of Commissioners in the upper provinces, the power of confirming the appointment, resignation and removal of the native officers specified; excepting only the law officers of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, whose appointment and removal, from the nature of their functions, should be still reserved to government. The local knowledge possessed by the courts of circuit, and the number of cases brought before them at the zillah and city jail deliveries, in which the conduct of the police officers falls within their observation, render it particularly expedient, that those courts should control the appointment and removal of the cutwals, police darogahs and other principal officers of the police. And it is necessary to declare, with respect to these and other native officers, that they will be liable to removal from the public trusts committed to them, although no specific act of criminality may be established against them, when there is sufficient reason to consider them incapable, or neglectful of their prescribed duties; or in any respect unworthy of public confidence; especially, with regard to the police officers, when robberies or other public crimes may become prevalent within the local limits of their jurisdiction. The following rules are accordingly enacted by the Governor General in Council, to be in force as soon as promulgated, throughout the whole of the provinces immediately subject to the presidency of Fort William. (a)

Regulation V, 1804, and any other Regulation in force for the appointment and removal of native officers declared to be modified by this Regulation.

II. The rules contained in Regulation V, 1804, and of any other Regulation in force, for the appointment and removal of the native officers of government in the judicial, revenue and commercial departments, and in the departments of salt, opium and customs, are hereby declared subject to the several modifications and provisions contained in the present Regulation.

(a) See Regulation XXI, 1814, entitled.—A Regulation for preventing the zillah and city judges and collectors of the public revenue, from employing their native creditors on their respective establishments. The appointment, suspension, or removal, of the chokeydars of the subsidiary police establishments, and of the ministerial officers attached thereto, entertained on the principles declared in Regulation XXII, 1816, do not fall under the provisions of this Regulation. See also the Circular Orders of the Sudder Dewanny Adawlut, new edition, Nos. 5 and 6, page 25, requiring the provincial courts of appeal and circuit and the zillah and city judges and magistrates, to suspend in their respective cutcherries, a list of the native officers entertained on their several establishments, specifying their names, official designation and salary, in conformity to the orders of the Court of Directors; No. 7, page 67, relative to embezzlements committed by native officers, and requiring the vigilant attention of the several courts to the conduct of those officers: Also the Circular Orders of the Nizamut Adawlut, new edition, No. 57, page 137, furnishing a construction of Regulation XVII, 1816, Section VII, regarding the removal and appointment of some of the native officers of the zillah and city courts.

III.

III. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the Boards of Revenue and Trade, and the Board of Commissioners (*b*) in the western provinces, shall hereafter exercise, without reporting their proceedings for the sanction of government; the power of appointing, removing, and accepting the resignation of the principal ministerial native officers acting under them respectively, as well as all other native officers on their respective establishments, excepting the law officers attached to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; whose nomination, removal, and resignation, shall be reported as heretofore, for the previous sanction of the Governor General in Council.

Powers vested in the principal judicial, revenue and commercial authorities, respecting the removal and appointment of native officers.

IV. *First* The court of Sudder Dewanny Adawlut is empowered to confirm the appointment, removal, and resignation of the law officers of the provincial, zillah, and city courts, and of the cauzies of cities, towns, and purgunnahs, on receiving the reports prescribed by Sections V, VI and IX, Regulation V, 1804, with the following modification of Section VI. (*c*)

Court of Sudder Dewanny Adawlut empowered to confirm the appointment, removal, and resignation of the law officers of the provincial, zillah, and city courts, and the cauzies of cities, towns and purgunnahs.

Second. Whenever a provincial, zillah, or city court, may see cause for the removal of a law officer or cauzy, on the ground of any misconduct, or neglect of duty, experienced incapacity or other disqualification, such court shall report the circumstances of the case with its opinion on the subject to the Sudder Dewanny Adawlut, who will pass such order on the report so made as may appear to be proper, or will call for any additional information, or direct any further enquiry, which the nature and circumstances of the case may require.

Rules to be observed by a provincial, zillah, or city court on seeing cause for the removal of a law officer on the ground of misconduct, neglect of duty, or experienced incapacity.

V. First. (d) The courts of circuit are empowered to confirm the appointment, removal, and resignation of the cutwals and police darogahs, within their respective divisions, on receiving from the zillah and city magistrates, the reports specified in the following clauses.

Courts of circuit empowered to confirm the appointments, removal and resignation of cutwals and police darogahs.

Second. The zillah and city magistrates shall nominate as heretofore, the cutwals and police darogahs within their respective jurisdictions, and will in consequence, be held responsible for selecting persons duly qualified. *But instead of reporting to the court of Nizamut Adawlut, the information obtained by them respecting the past employments, character, and qualifications of the persons pro-*

Zillah and city magistrates to nominate cutwals and darogahs, and to be held responsible for selecting persons duly qualified.
Rules for the zillah and city magistrates on nominating such persons.

(*b*) The Commissioner in Behar and Benares, appointed under Regulation I, 1816, is also to be included among the authorities herein named.

(*c*) See the Circular Orders of the Sudder Dewanny Adawlut, new edition, Nos. 3 and 4, pages 24 and 25, requiring the judges of the zillah and city courts, on submitting the nomination of persons to the offices of cauzee and law officer, and the provincial courts of appeal and circuit, as far as respects the law officers of those courts, to specify in addition to the usual report of qualification and character, the age of the persons proposed.

(*d*) Such parts of the whole of this section as are printed in Italics, have been rescinded by Regulation XVII, 1816, Section VI.

posed

posed by them, to fill the vacant office of cutwal, or police darogah, they shall make this report to the court of circuit of the division, to which they are subordinate; and it shall be competent to such court of circuit, to confirm the appointment of the person so nominated, if they see no objection thereto; or to call for any further information that may appear requisite, respecting the past employments, character, or qualifications of the person proposed; or if the appointment of such person appear objectionable, to require the magistrate to nominate another person. No future appointment to the office of cutwal, or police darogah, shall be considered final till confirmed by the court of circuit, under the authority vested in it, by this section. But the magistrate is authorized to make temporary appointments, of persons duly qualified to perform the duty of cutwal, or police darogah, in cases of death, removal, suspension, or resignation, immediately reporting the same for the information of the court of circuit.

Court of circuit competent to confirm the appointment of persons so nominated.

No appointment to be considered final, till confirmed by the court of circuit.

Magistrates authorized to make temporary appointments of police darogahs or cutwals in cases of death, resignation, removal, or suspension.

In what manner magistrates are to act on receiving the resignation of a cutwal, or police darogah.

Third. Whenever a cutwal or police darogah may be desirous of resigning his office, his resignation shall be received and recorded by the magistrate, in open court, *and shall be transmitted, without delay, to the court of circuit, with the nomination of a proper person to be his successor in conformity with the preceding clause.*

Rules to be observed by zillah and city magistrates when they shall see cause for the removal of any cutwal or police darogah, on the ground of misconduct, neglect of duty, or experienced incapacity or other disqualification, for the trust committed to him.
How courts of circuit are to act in such cases.

Fourth. When a magistrate shall see cause for the removal of any cutwal, or police darogah on the ground of misconduct, neglect of duty, experienced incapacity, or other disqualification, such magistrate shall report the circumstances of the case with his opinion on the subject, to the court of circuit, who will pass such order, as may appear proper on the report so made; or call for further information, or direct any further enquiry, which the nature and circumstances of the case may require.

In what instances magistrates are authorized to order immediate suspension of a police officer, and how they are to act in such cases.

Magistrates authorized to impose a fine on any police officer subject to his authority for neglect of duty, in a sum equal to one month's salary.

Police officers of every denomination as well as all other native officers, liable to removal without proof of any specific act of criminality, when there may be sufficient reason to believe them incapable or neglectful of their duties, or in any respect unworthy of confidence.

Fifth. In cases of gross misconduct, neglect, or incapacity, such as to require the immediate suspension of a police officer, the magistrate is authorized to order the same, *reporting it with the other information required from him, to the court of circuit.* He may also, in addition to the general powers vested in him by the Regulations for the punishment of any specific crime, or misdemeanor, fine any officer of police under his authority for neglect of duty, in a sum equal to one month's salary; and cause the same to be levied by a stoppage of the fixed allowance payable to such officer. And it is hereby declared, that police officers, of every denomination, as well as all other native officers in the service of government; will be liable to removal from the public trusts committed to them, without proof of any specific act of criminality, whenever there may be sufficient reason to believe them incapable, or neglectful of their prescribed duties; or in any respect unworthy of public confidence. (e)

(e) *Constructions by the Nizamut Adawlut.* 1. The joint magistrate was not authorized under this clause in adjudging a burkundaz to pay a fine equal to three months' salary, and the court directed the restitution

VI. (*f*) *The zillah and city magistrates shall also report to the court of circuit whenever they may see cause for removing a cutwal, or police darogah, from one station to another, within their respective jurisdictions; and shall not make such removals without the previous sanction of the court of circuit, unless in any particular instance, there may appear to be urgent reason for it; in which case they shall immediately report the same for the information and orders of the court of circuit.*

Rules for the guidance of the zillah and city magistrates when they may see cause for removing a cutwal or police darogah from one station to another.

VII. *First.* The provincial courts of appeal and circuit, are empowered to confirm the appointment, removal, and resignation, of the principal ministerial native officers of the zillah and city judges and magistrates, as well as of the record keepers and the whole of the native officers on the establishments of the zillah courts, civil and criminal, receiving a salary of ten rupees per mensem or upwards, the power of confirming whose appointment, resignation and removal, was reserved to government, or to the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, by Sections IV, X and XV, Regulation V, 1804. (g)

Provincial courts of appeal and circuit, empowered to confirm the appointment, removal and resignation of the principal ministerial officers of the zillah and city judges and magistrates, and the record keepers, as well as the whole of the native officers of the zillah courts, civil and criminal, who receive a salary of ten rupees, or upwards.

Second. The whole of the provisions contained in Section V, relative to the police officers, shall be considered equally applicable to the native officers referred to in the present section, and the zillah and city judges, and magistrates, are authorized and directed to proceed accordingly, making their reports to the provincial court of appeal, or to the court of circuit, as the officer, whose nomination, resignation, or removal, is reported, may be attached to the zillah or city civil court, or to that of the magistrate.

The provisions contained in Section V, relative to police officers, to be considered equally applicable to the native officers referred to in the present section.

VIII. (*h*) *The rules contained in the preceding section, are not meant to be applicable to the native commissioners for the trial of civil causes, whose appointment and removal will be subject as heretofore, under Section XIX, Regulation V, 1804, to the approval of the court of Sudder Dewanny Adawlut. But when the judge of a zillah or city court shall see cause for the removal of any such officer, it shall be sufficient to proceed as directed in Clause Second, Section IV, of the present Regulation, instead of observing the rule prescribed by Section VI, Regulation V, 1804. It is further hereby declared, that any native commissioner who may appear to have been guilty of*

The appointment and removal of native commissioners for the trial of civil causes, to remain as heretofore subject to the approval of the Sudder Dewanny Adawlut.

But Section IV, of the present Regulation declared applicable.

Any native commissioner who may appear to be guilty of gross neglect or misconduct in any

of whatever sum might have been levied exceeding the amount of salary for one month. 18 *January*, 1815.
2. By this clause a specific provision is made for the punishment of neglect of duty by officers of police; and the court are of opinion therefore, that in cases of this description, the magistrate is restricted to the limitation of punishment therein defined; but that if any distinct misdemeanor beyond neglect of duty should be established, the case would fall within the magistrate's discretion, under the general powers vested in him by Regulation IX, 1807, Section XIX.—15 *March*, 1816.

(*f*) Rescinded by Regulation XVII, 1816, Section VI.

(*g*) A single judge holding a separate sitting of the provincial court, or of the court of circuit at the sudder station, is empowered to exercise the collective powers of those courts respectively, with respect to the appointment or removal of the ministerial native officers of the zillah and city courts, under certain restrictions. See Regulation XXV, 1814, Section X, and Section XII, Clause VI. See the extent of the powers of a judge of circuit, holding a jail delivery, with respect to the dismission of the native officers of the zillah and city courts, in Regulation XXV, 1814, Section XV.

(*h*) Rescinded by Regulation XXIII, 1814, Section II.

gross

cause determined by him, not to be entitled to the institution fee, and may be required to return the same.

gross neglect, or other misconduct, in any cause determined by him, shall not be considered entitled to the institution fee in such cause, and may be required to repay the same, if received by him.

Provisions in this Regulation not applicable to native officers in the courts of justice receiving less than ten rupees per mensem except Clause Fifth, Section VII, which is declared applicable to the whole of the native officers of government.

IX. The provisions of this Regulation, except Clause Fifth, Section V, which is hereby delared applicable to the whole of the native officers of government, in addition to any other specific provisions in force, are also not intended to include the native officers attached to the courts of justice, civil or criminal, who receive less than ten rupees per mensem: or the naibs, jemadars, burkundazes, and other subordinate police officers, respecting whom the rules contained in Sections XII, XIII and XIV, Regulation V, 1804, will remain in force, as heretofore.

Rules in Regulation V, 1804, which are still to be considered in force with the following modifications.

X. *First.* The rules prescribed by Sections X, XII, XIII, XIV, XV, XVI, XVII, XVIII, and XIX, Regulation V, 1801, respecting the native officers employed in the revenue and commercial departments, and in the departments of customs, salt, and opium, are also to be still considered in force, with the following modifications and additions.

Collectors of revenue and customs, in the upper provinces, how to proceed under above rules.

Second. The reports directed to be made to the Board of Revenue, are to be made to the Board of Commissioners in the upper provinces, by the collectors of revenue and customs, subordinate to the authority of the Board of Commissioners. (*i*)

Head native officers and record keepers in collectorships by whom to be appointed.

Third. The appointment and removal of the head native officers employed under the collectors of reveune and customs, and the keepers of the records in the several collectorships, instead of being reported to the Governor General in Council as required by Sections IV and X, Regulation V, 1804, are left to the determination of the Board of Revenue, and Board of Commissioners, upon the reports of the collectors. (*i*) In like manner the Board of Trade are empowered to determine upon the appointment and removal of the head native officers employed under the commercial residents, and agents, and the agents for the provision of salt, or opium, upon report from those officers.

Collectors, commercial residents and agents how to proceed in cases of proposed removals.

Fourth. In cases of proposed removals, the collectors, commercial residents, and agents, shall proceed in conformity with Clause Second, Section IV, of the present Regulation, instead of observing the rule prescribed by Section VI, Regulation V, 1804.

Collectors of land revenue and customs, commercial residents and agents, and the agents for the provision of salt or

Fifth. The collectors of the land revenue and customs, the commercial residents and agents, and the agents for the provision of salt or opium, are authorized to administer an oath, under the provisions of Section VI, Regulation IV, 1793;

(*i*) Or to the Commissioner in Behar and Benares, appointed under Regulation I, 1816, by the collectors of the revenue and customs, subordinate to his authority.

and

and Section V, Regulation L, 1803, (corresponding with Section VII. Regulation III, 1803, and Clause Sixth, Section XXV, Regulation VIII, 1803, for the ceded and conquered provinces), to any witnesses, whom it may be necessary to examine respecting the conduct of any native officer employed under them respectively. Provided, that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city court, to be confined as prescribed by the Regulations in similar cases.

opium authorized to administer oaths to witnesses whom it may be necessary to examine respecting the conduct of any native officer employed under them.

How to proceed in cases when witnesses may refuse to take the oath.

XI. *First.* On receipt of this Regulation, the several zillah and city judges and magistrates, shall furnish the provincial courts of appeal and circuit in their respective divisions, with complete statements of their establishments, and of all establishments of public officers acting under them, which have been authorized by government, specifying the names and dates of appointment, of all officers receiving ten rupees per mensem, or upwards. Copies of the statements so received, shall be forwarded by the provincial courts of appeal and circuit, to the civil auditor, who will report through the proper channel, any deviations from the fixed establishments, or any unauthorized changes, in the officers employed upon such establishments, for the orders of the Governor General in Council.

Zillah and city magistrates to furnish the provincial courts of appeal and circuit with complete statements of their establishments.

Copies to be forwarded to the civil auditor by the provincial courts of appeal and circuit.

Second The provincial courts of appeal and circuit are further required to transmit to the civil auditor, a monthly report of any appointments, or removals which may be sanctioned under the authority vested in them by this Regulation, either of the native officers on their own establishments, or of those on the establishments of the zillah and city judges and magistrates of their respective divisions.

Provincial courts of appeal and circuit to transmit a monthly report to the civil auditor.

XII. Nothing in this Regulation shall be construed to empower the provincial courts of appeal and circuit, to authorize any addition to, or alteration in the distribution of the fixed public establishments, without the special sanction of government; but for the regular information of the provincial courts of appeal and circuit, all correspondence on the subject of the judicial and police establishments in the several zillahs and cities, shall pass through the provincial courts of appeal and circuit, who in submitting to the courts of Sudder Dewanny or Nizamut Adawlut, or to the Governor General in Council, any propositions of the zillah and city judges or magistrates, relative to their establishments, shall, at the same time, communicate their sentiments, after requiring any further information on the subject which may appear necessary. (*j*)

No alteration in the distribution of the fixed public establishments authorized by this Regulation.

All correspondence relating to judicial and police establishments to pass through the courts of appeal and circuit. Who will state their sentiments on forwarding the same to the Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Governor General in Council.

XIII. It is hereby further declared, that nothing in the present Regulation shall be construed to preclude the Governor General in Council, or the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, from ordering the removal

Nothing in this Regulation meant to preclude government, or the Sudder Dewanny and Nizamut Adawluts from ordering the removal of a native officer.

(*j*) All correspondence on matters of police, between the government and the zillah and city magistrates, is hereafter to be conducted through the offices of the Superintendants of Police. See Regulation XVII, 1816, Section XIII.

of

Or from the exercise of the general authority vested in the Sudder Dewanny Adawlut and Nizamut Adawlut.

of a native officer, upon just and sufficient ground appearing for such order. Nor is any part of this Regulation meant to prevent the exercise of the general authority vested in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut by the Regulations in force.

The Governor General in Council, reserves to himself the power of extending the rules contained in this Regulation, and in Regulation V, 1804, to any other native officers in the service of government.

XIV. The Governor General in Council reserves to himself the power of ordering the rules contained in this Regulation, to be extended to any other native officers in the service of government, to whom the same may be considered applicable, although not specifically included in the provisions of this Regulation, or of Regulation V, 1804.

A. D. 1809. REGULATION IX.*

A REGULATION *for empowering the Calcutta Provincial Court to receive appeals from the decisions of the Commissioner at Chinsurah and Superintendant of Chandernagore, in certain cases; and to make further provision for the administration of civil justice at those Settlements.*—PASSED *by the Vice President in Council, on the 3d October* 1809; *corresponding with the 19th Assin* 1216 *Bengal era; the 10th Assin* 1217 *Fusly; the 20th Assin* 1217 *Willaity: the 9th Assin* 1866 *Sumbut; and the 22d Shabaan* 1224 *Higeree.*

Preamble.

IN consequence of a recent arrangement made for executing the duties of the offices of commissioner at Chinsurah, and superintendant of Chandernagore, it has been deemed expedient to discontinue the office of deputy commissioner at the former settlement, and that of deputy superintendant at the latter. It is therefore necessary to make provision for the trial of civil causes between the native inhabitants, or in which a native is defendant, heretofore tried and determined by the deputy commissioner at Chinsurah, and deputy superintendant at Chandernagore, in the cutcherry or native court, subject to appeal to the commissioner and superintendant, and the following rules have been enacted by the Vice President in Council for this purpose, to be considered in force, as soon as promulgated in the settlements of Chinsurah and Chandernagore, respectively

Part of Section II, Regulation I, 1805, rescinded.

II. Clauses Second and Third, Section II, Regulation I, 1805 are hereby rescinded.

Native commissioners, to be appointed at Chinsurah and Chandernagore, and what causes to be tried by them.

III. *First.* One or more native commissioners, shall be appointed at Chinsurah and Chandernagore, for the trial and decision, of all causes of a civil nature between the native inhabitants, or in which a native may be the defendant, not exceeding in amount, or value, the sum of one hundred sicca rupees.

Establishment of native commissioners to be proposed to Sudder Dewanny Adawlut by commissioner and superintendant.

With opinion whether they should be vested with powers of moonsiffs [illegible] sudder aumeens.

Proper persons [illegible] at the same time, nominated for the o[illegible]

Second. On receipt of this Regulation, the commissioner at Chinsurah and superintendant at Chandernagore, shall propose to the court of Sudder Dewanny Adawlut, such establishment of native commissioners for the two settlements as may appear to him necessary, with his opinion whether it would be expedient to vest them respectively with original jurisdiction as moonsiffs; or to employ them as referees, with the powers vested in sudder aumeens by Section IX, Regulation XLIX, 1803. He shall, at the same time, nominate for the confirmation of the Sudder Dewanny Adawlut, proper persons to fill the proposed office of moonsiff, or aumeen, in conformity with the section abovementioned.

* This Regulation is not in force in consequence of the Settlements of Chandernagore and Chinsurah having been restored to the French and Dutch.

Third.

By what rules the native commissioners are to be guided.

Third. The native commissioners appointed under this Regulation, shall be guided by the rules in force for native commissioners of the same description, appointed under Regulations XL, 1793, and XLIX, 180[illegible], as far as the same may be applicable to the settlements of Chinsurah and Chandernagore, with such local modifications, and additions, as may be sanctioned by the court of Sudder Dewanny Adawlut upon a report from the commissioner and superintendant; who, on receipt of this Regulation, shall frame and submit to the Sudder Dewanny Adawlut, such local rules for the guidance of the native commissioners at Chinsurah and Chandernagore respectively, as he may judge expedient.

Local rules to be framed by commissioners and superintendant, and submitted to Sudder Dewanny Adawlut.

Appeal from all decisions of the native commissioners to the commissioner and superintendant.

IV. *First.* An appeal shall lie to the commissioner at Chinsurah and superintendant of Chande[illegible] in his judicial capacity, from all decrees and orders passed by the nati[illegible] [illegible]ners; provided that the appeal be preferred within three months: o[illegible] not [illegible]red within this period, that sufficient reason be assigned for the delay.

In what cases the judgment of the commissioner and superintendant to be final.

Second. In such [illegible] well as in all cases tried by the commissioner at Chinsurah, or superinten[illegible] Chandernagore, in the first instance, wherein the amount or value adjudged, or disallowed by the decree of the commissioner, or superintendant, may not exceed the sum of one hundred sicca rupees, his judgment shall be final; unless the decree passed by him shall appear, on the face of it, erroneous, or unjust, or from the nature of the cause, as stated in the decree, it shall appear of sufficient importance to merit a further investigation in appeal, in which case it shall be competent to the provincial court of appeal for the division of Calcutta, to admit a special appeal to that court.

Subject only to a special appeal at the discretion of the Calcutta provincial court.

In what cases a regular appeal lies to the Calcutta provincial court.

V. *First.* In all suits between the native inhabitants of Chinsurah, and Chandernagore, or in which a native may be the defendant, if the amount or value adjudged, or disallowed, by the commissioner or superintendant, shall exceed the sum of one hundred sicca rupees, and shall not be more than five thousand sicca rupees, an appeal from his judgment shall lie to the Calcutta provincial court of appeal, provided the appeal be preferred within three months after the appellant shall have been furnished with a copy of the decree appealed from; or if not preferred within this period, that sufficient reason be assigned, to the satisfaction of the provincial court, for the delay.

Decision of provincial court to be final, unless Sudder Dewanny Adawlut see grounds for a special appeal to that court.

Second. In appeals to the provincial court under this section, the decision of that court shall be final, unless the court of Sudder Dewanny Adawlut shall be of opinion that there are special grounds for an appeal to that court, in which case it shall be competent to the Sudder Dewanny Adawlut to admit a special appeal.

In what cases an appeal from the decision of the commissioner and super-

VI. In the suits referred to in the preceding section, viz. between the native inhabitants of Chinsurah and Chandernagore, in which a native may be the defendant, if

if the amount, or value, adjudged or disallowed by the commissioner or superintendant, shall exceed the sum of five thousand sicca rupees, an appeal shall lie to the court of Sudder Dewanny Adawlut, provided the appeal be preferred within three months after the appellant shall have been furnished with a copy of the decree appealed from; or, if not preferred within this period, that sufficient reason be assigned, to the satisfaction of the Sudder Dewanny Adawlut, for the delay.

intendant lies to the Sudder Dewanny Adawlut.

VII. An appeal to the court of Sudder Dewanny Adawlut shall also lie, as heretofore, under Clause First, Section II, Regulation I, 1805, in all suits of a civil nature instituted, heard, and determined in the first instance, in the European courts of justice, established at Chinsurah and Chandernagore; provided the amount or value adjudged, or disallowed, by the decree, or sentence, of the commissioner or superintendant shall exceed the sum of one hundred sicca rupees. If the amount or value adjudged, or disallowed, shall not exceed one hundred sicca rupees, the judgment of the commissioner or superintendant shall be deemed final; unless the court of Sudder Dewanny Adawlut, shall see cause for admitting a special appeal to that court, in which case it shall be competent to admit the same.

Reservation of appeal to Sudder Dewanny Adawlut, in all cases tried and decided in the European courts of justice, as heretofore.

Provided the amount or value adjudged, or disallowed, exceed one hundred sicca rupees.

A special appeal only to lie in cases within the above limitation.

VIII. *First.* The provisions contained in Sections IV, V, VI, VII, VIII, IX, X, XI, and XII, Regulation I, 1805, relative to appeals receivable under that Regulation by the court of Sudder Dewanny Adawlut, shall be considered equally applicable to appeals receivable under the present Regulation, by the provincial court of appeal for the division of Calcutta.

What provisions of Regulation I, 1805, applicable to Calcutta provincial court under present Regulation.

Second. Sections XI, XII, XIII, Regulation XIII, 1808, relative to the execution of decrees appealed from, or staying the execution, and the security to be taken, in such cases, shall also be considered applicable to all appeals received under this Regulation, whether by the Sudder Dewanny Adawlut, or by the Calcutta provincial court.

Sections XI, XII, and XIII, Regulation XIII, 1808, also applicable to appeals under this Regulation.

Third. Whenever the parties in such appeals may appoint an established pleader, or pleaders, to appear for them, either in the Sudder Dewanny Adawlut, or the provincial court, under the option given by Section V, Regulation I, 1805, it shall be at the discretion of the court to adjudge such compensation to the pleader, or pleaders, so employed, not exceeding the usual rate, as may appear reasonable and proper.

Rule for allowing fees to pleaders when employed by the parties in such appeals.

IX. The provisions in this Regulation shall be considered applicable to all depending appeals from the decisions of the late deputy commissioner at Chinsurah, and deputy superintendant of Chandernagore. If the amount or value adjudged or disallowed by the deputy be not more than one hundred sicca rupees, a final decree upon the case shall be passed by the commissioner, or superintendant, subject to a special appeal only to the Calcutta provincial court. If the amount or value adjudged

In what manner the provisions of this Regulation are to be applied to depending appeals from decisions of the late deputy commissioner at Chinsurah and deputy superintendant of Chandernagore.

or disallowed by the deputy, exceed the sum of one hundred rupees, and an appeal from his judgment be still depending, it shall be transferred to the Calcutta provincial court, or to the court of Sudder Dewanny Adawlut, as the appeal may be cognizable by the former, or the latter; under the standard established by Sections V, and VI, of this Regulation.

A. D. 1809. REGULATION X.

A REGULATION *for the establishment of a copper coinage in the province of Benares.*—PASSED *by the Vice President in Council, on the 15th December 1809; corresponding with the 2d Poose 1216 Bengal era; the 23d Aughun 1217 Fusly; the 3d Poose 1217 Willaity; the 9th Aughun 1866 Sumbut; and the 7th Zekaad 1224 Higeree.*

WHEREAS it is expedient, that fixed and defined rules should be established for regulating the copper currency of the province of Benares, the following rules have been enacted by the Vice President in Council, to be in force in that province from the period of their promulgation. — Preamble.

II. The copper coin struck for the province of Benares shall be of pure copper, and shall be confined to pice of one size only, to be coined at the *Calcutta Mint.* (*k*) — The copper coin for Benares shall be pice of pure copper, and of only one size, coined at Calcutta.

III. The pice shall be 19-20th parts of an inch in diameter, and shall weigh sicca weight eight annas nine pie each, and shall bear the following inscription, in the Persian and Nagree characters: (*l*) — Size and weight of the coin.

On one side, in Persian,

"The 37th year of the reign of Shah Allum Badshah."

On the Reverse, in both Persian and Nagree,

"One Pie Sicca." — Inscription.

IV. The copper coin established by this Regulation, shall be considered to be a legal tender of payment in all money transactions, whether between government and its subjects, or between individuals in the province of Benares, for any sum being the fractional part of a rupee, at the rate of sixty-four pice for one Benares sicca rupee. — To be a legal tender for any fractional part of a rupee.

V. Persons charged with melting, counterfeiting, clipping, filing, drilling, defacing, or debasing the copper coin, established under this Regulation, will be liable to be prosecuted in the criminal courts, and to be punished as the law may direct. — Persons liable to prosecution for melting, counterfeiting, or otherwise debasing the coin.

VI. The (m) copper pice of all denominations at present in circulation in the province of Benares, shall be received as heretofore in all public and private transactions for the period of six months, from and after the promulgation of this Regulation; but after the expiration of that period, no copper coin, except that established by this Regulation, shall be considered as a legal tender in payment of any proportion of any public or private demand. — Limitation of time as to the currency of copper pice now in circulation.

(*k*) To be coined at the city of Benares, and not at the Calcutta Mint. See Regulation VII, 1814, Section II, Clause II.

(*l*) And in addition to the inscription, to bear the figure of a Tirsool, after the 29th April, 1814. See Regulation VII, 1814, Section III.

(*m*) Rescinded by Regulation XII, 1810, Section III; by which, the copper coin then current in the province of Benares, was directed to be received until further orders.